

APPROVED MINUTES
BERKELEY DIVISIONAL COUNCIL
Monday, April 3, 2023 – 12:10-2:00 PM
Stephens Hall, Conference Room 310

Divisional Council (DIVCO) met on Monday, April 3, 2023, in Stephens Hall, conference room 310. Division Chair Mary Ann Smart presided. Quorum was present as shown on the attached attendance chart.

- I. **A. MINUTES** of the meeting of March 13, 2023
Enclosure 1
- II. **A. MINUTES** of the meeting of March 20, 2023
Enclosure 2

ACTION: The Minutes were approved as presented.

- III. **CONSENT CALENDAR**
 - A. **Berkeley Faculty Service Award (BFSA) Nominations**
Enclosure 3

ACTION: Consent Calendar item III.A. was moved to New Business for further discussion.

- IV. **ANNOUNCEMENTS**
Division Chair Mary Ann Smart

Academic Council – Academic Council met on Wednesday, March 29th. UC President Drake talked about the after-effects of the UAW strike and Provost Newman reported on advocacy activities the UC Office of the President (UCOP) is undertaking in Washington DC to attempt to increase federal grant funding to cover increased labor costs for Graduate Student Researchers. Chair Smart reported that Academic Council voted to endorse Berkeley’s proposal for the College of Computing, Data Science, and Society (CDSS) contingent on the campus meeting several conditions.

- V. **UNFINISHED BUSINESS**

- VI. **NEW BUSINESS**
 - A. **Discussion/action: Systemwide Review of Proposed Presidential Policy – Anti-Discrimination**

Committee comments on this topic were summarized. Among the most important recommendations were suggestions to include language that specifies a role for the Senate in addressing complaints. In the committee comments and during the DIVCO discussion, questions were raised about the justification for a systemwide policy. Some felt that the proposed policy overlapped with existing policies and/or that such issues would be better handled at the individual campus level. Concerns were also raised about the intersection of discriminatory language and free speech protections.

ACTION: DIVCO authorized Chair Smart to draft a letter and forward committee comments to the Chair of Academic Council.

B. Discussion/action: Systemwide Review of Proposed Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

Discussion began with a review of committee comments, which included appreciation for the improved concision of the policy language. DIVCO members strongly endorsed CAPRA's comment about the requirement that all purchases of value between \$10K-250K must first be bid with a certified small business or disabled veteran business. While expressing support in principle for preferential treatment for small business, members observed that the university's vendor requirements impose considerable barriers on small businesses. Some DIVCO members argued that those barriers should be removed, which would not only benefit small businesses but also allow for a wider array of procurement options on campus. DIVCO reiterated the suggestion made about other presidential policies, that a cost-benefit analysis should be conducted before instituting any new policy.

Chair Smart will draft a letter and then seek input and review from DIVCO members.

ACTION: DIVCO authorized Chair Smart to draft a letter and forward committee comments to the Chair of Academic Council.

C. Discussion only: Committee Updates – CAPRA, COR, BIR

The Chair of the Committee on Academic Planning and Resource Allocation (CAPRA) described some of the committees' activities throughout the year, which included: involvement in the academic program review (APR) process, comments on policy revisions from UCOP, meetings with the Chief Financial Officer (CFO), and reviewing proposals for self-supporting graduate professional degree programs (SSGPDs). CAPRA is also involved in the Financial Sustainability Initiative working group and steering committee. In addition, CAPRA hears from the Chancellor and EVCP each year regarding CAPRA's budget and policy recommendations from the previous spring, and the committee is now starting to draft its recommendations for this year for the Chancellor.

The Chair of the Committee on Research (COR) shared that last year was a transitional year for the committee, as it moved from being more reactive to proactive. This year COR has fostered a strong connection with the Vice Chancellor of Research (VCR). The committee started the year thinking about reducing bureaucracy, and now COR is working around post-strike faculty priorities and the research experience.

The Chair of the Committee on Budget and Interdepartmental Relations (BIR) explained that the committee spends most of its time making recommendations on personnel cases. BIR reviews all appointment, promotion, merit increase and retention cases for regular faculty, teaching and adjunct professors, professors in residence, and Unit 18 lecturers. Each year, BIR typically reviews a little over 900 cases. BIR also does on and off-cycle FTE allocations, which is their second most time consuming activity. In addition, BIR

participates in APRs and comments on UCOP proposed policies and policy revisions. One challenging thing this year is that there is a new Vice Provost for the Faculty (VPF) and EVCP.

D. Discussion only: Faculty Athletics Council (FACL) Update

Guest: Gregory Aponte, FACL Chair

After introducing the guest to DIVCO, Chair Smart gave a brief history of FACL. Around 2005, there was a subcommittee of CAPRA that was formed to monitor athletics finances, and those subcommittee members served on the University Athletics Board (UAB). In 2013, DIVCO began discussions on whether there should be a dedicated Senate committee on athletics, mainly focused on the academic wellbeing and success of student athletes. A committee was not created at that time, but communication between DIVCO and UAB was improved. In 2016 a short-term committee, Senate Athletics Council, was established. Finally, in the 2019-20 academic year, FACL was established.

FACL Chair Aponte explained that FACL came about because of the review of collegiate athletics and low graduation rates of athletes. FACL has rejuvenated the Faculty Fellow Program, which currently is being managed by the Athletic Study Center, but FACL will be creating an advisory committee to assist with guiding the Faculty Fellows. FACL has also been discussing how to provide accommodations for student athletes who need to reschedule exams or take them remotely. Other recent concerns for FACL include student mental health, the effects of the new Name, Image, and Likeness (NIL) policy on student athletes, and the impact of the California Legends Collective on gifts to the campus. The final part of the discussion broadened out to consider alternative models for Intercollegiate Athletics at Berkeley and the impact of IA on the campus budget.

E. Berkeley Faculty Service Award (BFSA) Nominations

After a brief discussion of the nominations, this topic was continued to the April 17, 2023 DIVCO meeting.

F. Forward*: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

G. Forward*: Systemwide Review of Proposed Presidential Policy on Inventions, Patents, and Innovation Transfer

H. Forward*: Review of the Department of Chemistry

I. Forward*: Review of the Department of Molecular and Cell Biology

**Items available on the DIVCO Box site.*

I. INFORMATIONAL ITEMS – None

The meeting was adjourned at 2:06 p.m.
Recorder: Haniya Ferrell, Administrative Assistant

DIVCO – ATTENDANCE, SPRING 2023

DIVCO MEMBERS	1/23/23	2/6/23	2/27/23	3/13/23	3/20/23	4/3/23	4/17/23	5/8/23
Aguilera, Adrian	P	A	P	P	P	P		
Ashmore, Robert	P	P	P	P	P	P		
Auffhammer, Maximilian	P	P	P	P	A	P		
Berrick, Jill Duerr	P	P	P	P	P	P		
Boering, Kristie	A	P	P	P	P	A		
Doremus, Holly	P		P	P	P	P		
Fernald, Lia	P	P	P	A	A	P		
Fischer, Felix	P	P	P	P	P	P		
Gilless, J. Keith*	A	A	P	P	P	P		
Ginsborg, Hannah	P	P	A	P	P	P		
Glaunsinger, Britt	P	P	P	P	P	A		
Hoofnagle, Chris	P	P	P	P	P	P		
Leonard, Thomas	A	P	A	P	P	P		
Luo, Kunxin	P	P	A	A	P	P		
Olney, Martha	P	P	A	P	A	P		
Phillip, Thomas	A	P	A	P	P	A		
Smart, Mary Ann	P	P	P	P	P	P		
Sweetser, Eve	P	P	P	P	P	A		
Wymore, Lisa	P	P	P	P	P	A		
Wallace, Nancy	P		P					
INVITED GUESTS *	1/23/23	2/6/23	2/27/23	3/13/23	3/20/23	4/3/23	4/17/23	5/8/23
García Bedolla, Lisa		P						
Cohn, Jenae		P						

Dark, Shawna		P					
Mojjadam, Erfan		P					
Yelick, Katherine			P				
Cochran, Susan			P				
Steintrager, James			P				
Matos, Dania				P			
Roth, Andrea					P		
Aponte, Gregory						P	

SENATE STAFF	1/23/23	2/6/23	2/27/23	3/13/23	3/20/23	4/3/23	4/17/23	5/8/23
Allen, Patrick								
Banaria, Jocelyn Surla	P	P	P	P	P	P		
Corley, Linda								
Dobin, Deborah								
Ferrell, Haniya	P	P	P	P	P	P		
Lynch, William								
MacIntyre, Courtney								
Marias Dezendorf, Rachel								
Mitchell, Lanayah								
Quiggle, Sumei								

P=Present A=Absent * Non-voting