

DIVCO Statement on Brandeis Center Settlement and the State of Shared Governance at UC Berkeley

The Regents recognize that faculty participation in the shared governance of the University of California through the agency of the Academic Senate ensures the quality of instruction, research and public service at the University and protects academic freedom... The Academic Senate shall authorize and supervise all courses and curricula, except in the Hastings College of the Law, in professional schools offering work at the graduate level only, and over non-degree courses in the University Extension. No change in the curriculum of a college or professional school shall be made by the Academic Senate until such change shall have been submitted to the formal consideration of the faculty concerned.

-Regents Bylaw 40.1, Duties and Powers of the Academic Senate

Our institution's settlement with the Brandeis Center impinges on Academic Senate authority and responsibility in two critical ways. First, by granting authority to an administrative committee to review curricula and recommend changes, it undermines the Academic Senate's delegated authority to oversee the curriculum. Second, by requiring reporting by OPHD on cases of faculty misconduct both to the same administrative committee and, annually, to the Brandeis Center itself, it seriously weakens the ability of the Academic Senate to protect academic freedom and to ensure faculty due process during investigations of violations of the faculty code of conduct.

We want to be clear that **the Academic Senate does not cede its authority in either of these two areas**. In a failure of shared governance, the Academic Senate was excluded from negotiations of the settlement, and was not even aware of these concessions until the settlement became public. In fact, no faculty member was consulted or involved in the negotiations, including those who make up the Chancellor's committee named in the settlement. The Academic Senate must retain the authority to oversee curricula, and it has a responsibility to ensure that faculty receive fair investigative processes under the faculty code of conduct. The commitments made by the institution in this settlement run counter to the authorities delegated to the Academic Senate in Regents Bylaw 40.1 and in the Academic Personnel Manual (e.g. APM-010 and APM-011).

Based on the above, the Berkeley Division of the Academic Senate calls on the Berkeley Administration to:

- Clarify via a public statement that they affirm the Academic Senate's authority over the curriculum and the integral role that the Academic Senate and senate faculty play in investigations into violations of the faculty code of conduct.
- Refuse to implement any clauses in the settlement that impinge on these Academic Senate authorities and responsibilities, particularly those involving curricular oversight and investigations, (for example, items 17d, 17e, and 22).
- Involve Academic Senate representatives in all future negotiations that involve topics under the authority of the Senate, including any re-negotiation or arbitration of the Brandeis Settlement should it occur.
- Engage in a deliberate and joint effort with the Academic Senate to define the meaning and function of shared governance at UC Berkeley, with a plan for regular revisiting of the topic through mechanisms like annual workshops or retreats involving administrative and senate leadership.

Additionally, the Berkeley Division of the Academic Senate calls on the Systemwide Academic Senate to work with UCOP and the Regents to re-establish UC's commitment to shared governance, as established in Regents By-law 40 and as outlined in the Academic Personnel Manual.