

APPROVED MINUTES OF THE MEETING BERKELEY DIVISION
OF THE ACADEMIC SENATE THURSDAY, NOVEMBER 2, 2023

The Fall meeting of the Berkeley Division was called to order at 3:10 p.m. on Thursday, November 2, 2023 via *Zoom* video conference. Professor Maximilian Auffhammer, Chair of the Berkeley Division, presided. The quorum of 50 Senate members was met.

I. Minutes

Minutes of the May 4, 2023 meeting of the Division (Enclosure 1)

ACTION: The minutes of the May 4, 2023 meeting of the Division were approved as presented.

II. Announcements by the President (None) President

Michael V. Drake was unable to attend.

III. Other Announcements A.

Chancellor Carol Christ

The Chancellor acknowledged that many are grieving the tragedy that is unfolding in the Middle East. Many faculty and staff have ties in Gaza, the West Bank, or Israel. The Chancellor encouraged the faculty to be generous to students and to treat each other with respect and civility no matter how sharply their opinions diverge.

Chancellor Christ shared her priorities prior to her retirement in June. She aims to leave campus in the best possible shape for the next Chancellor. The first priority is student housing; Anchor house is finishing up and will open in the fall. The Chancellor recognized that this is the biggest philanthropic gift that campus has received. Graduate Student Apartments at University Village are also expected to open in Fall 2024. There are three housing projects in various stages of planning: on the corner of Bancroft and Fulton, on the Channing Ellsworth parking lot, and on the Anna Head campus.

The Chancellor shared that the People's Park ruling was appealed to the California Supreme Court. Also, two pieces of legislation passed, one saying that social noise was not a ground for lawsuit under CEQA. Second, if a piece of land is in an institution's long-range development plan for a certain use, the institution does not have to go back and compare it to all other pieces of land.

The *Light the Way* campus fundraising campaign has surpassed its goal of \$6 billion. Some highlights of fundraising success include:

- 42 new faculty positions;
- The "Berkeley Discovery Initiative," which will expand opportunities for students to do independent study projects;

- The Weill Neurohub, which is an exciting collaboration between Berkeley, University of California San Francisco, and the University of Washington, to focus on neurodegenerative disease;
- Innovation and entrepreneurship at the Bakar BioEngineering Hub;
- A new climate incubator; and
- Various buildings and additions to existing buildings around campus.

The campus receives funding from the UC Compact, as well as from annual tuition increases. Nonetheless, campus still faces budget challenges, largely due to salary expenses increasing faster than revenues. The solution must be multiplication and diversification of revenue sources, especially philanthropy and entrepreneurship.

Berkeley is currently under pressure to increase enrollment, specifically California undergraduates, partly by reducing out-of-state enrollment. Within the next five years, Berkeley is expected to reduce out of state enrollment from 24.4% to 18% nonresident undergraduate students, and at the same time is not allowed to grow more than 1% in student enrollment per year due to the long-range development plan. Two possible solutions are satellite sites and more online options for students.

UC Berkeley has been designated an AANAPISI (Asian American and Native American Pacific Islander-Serving Institution), which enables the campus to apply for federal grants, some of which have already been received. Berkeley is also making good progress on becoming a Hispanic-Serving Institution (HSI).

Since the collapse of the Pac-12 collegiate athletic conference, Cal Athletics will be joining the Atlantic Coast Conference (ACC) in the fall. Berkeley is trying to minimize travel; the move will have an impact on 11 of the 30 sports teams. The budget in Athletics is a challenge given the tectonic scale shifts in the landscape. A more in-depth conversation on Athletics will be held later in the semester.

Chancellor Christ stated that the Moffitt Field project is going well. A collaboration with a private developer has allowed the campus to retain most of the governance authority for the project. It is hoped that the first building will be open in four years.

B. Berkeley Division Chair Maximilian Auffhammer

Chair Auffhammer thanked Chancellor Christ for her leadership in partnership and with shared governance of this campus. He also took a moment to remind members of the principles of community. There are three that are especially salient. First, we affirm the dignity of all individuals and strive to uphold a just community in which discrimination is not tolerated. Second, we are committed to ensuring freedom of expression and dialogue that elicits the full spectrum of views held by our varied communities. Finally, we respect the differences as well as the commonalities that bring us together and call for civility and respect in our personal interactions. While we are unable to solve the problems of the Middle East, we can certainly control how

we talk to and treat one another. Anti-Semitic or Islamophobic expressions are inconsistent with our principles of community and undermine this community we treasure. We can disagree and discuss, but he hopes that all will condemn expressions of hate.

Chair Auffhammer continued his announcements with items that the Academic Senate is working on:

- The formation of a new Department of Neuroscience;
- Issuing a syllabus template for graduate independent study courses;
- Selecting the 2024 Faculty Research Lecturers—Inez Fung from Earth and Planetary Science and Environmental Science, Policy, and Management; and Michael Nylan from History;
- Celebrating the Clark Kerr Awardees—the late Robert Zimmer, President of the University of Chicago; and Amy Gutmann, the U.S. Ambassador to Germany and former president of the University of Pennsylvania;
- Understanding the role of large language models like GPT-4 in the classroom;
- In-depth and longer-run efforts about the future of Graduate Education on campus;
- Continuing to engage on the Library alongside the Committee on Academic Planning and Resource Allocation (CAPRA);
- Issues surrounding athletics, with a *Campus Conversation* forthcoming;
- Engaging through the systemwide Academic Senate with the University of California Office of the President (UCOP) regarding the significant concern over the health insurance cost increases alongside challenges with applying for retirement; and
- Significant challenges for Emeriti colleagues with respect to prescription medications.

C. Graduate Assembly Campus Affairs Vice President Krish Desai This year, the Graduate Assembly (GA) has three large goals.

The first is to advance work that makes professional education at UC Berkeley accessible to all. This involves partnerships with various parts of campus, such as with the Division of Equity and Inclusion (E&I) to promote their *Thriving Initiatives* to ensure that students from underrepresented backgrounds are thriving at Berkeley. In addition, the GA works with the Disabled Students' Program (DSP) to assist individuals with disabilities to make the campus accessible and welcoming. They also hope to work with the Academic Senate and various graduate and professional degree programs to reduce financial barriers, such as reducing fees and extracurricular or cocurricular charges. The GA also assists immunocompromised individuals and provides accommodations for these individuals. In several campus spaces, the GA ensures that these spaces are both physically and intellectually open to individuals of all groups, especially those who have been historically underrepresented on campus.

The second goal is to focus on securing and distributing resources and support to meet the basic needs of graduate and professional students. The GA hopes to ensure that nobody is in a position where they must choose between accessing medical care, rent, or food. The GA has a mutual aid fund specifically for individuals who are either unable to obtain funds, pay rent, or access nutritional food due to emergency circumstances. They plan to expand the monetary value of that fund to serve more students.

Finally, the GA is concerned about the physical and emotional safety of graduate and professional students in these difficult and trying times. These can stem from the Middle East conflict, rising COVID cases, and the complexities in the implementation of the new Graduate Student Instructor (GSI)/Graduate Student Researcher (GSR) contracts. The GA hopes to partner with the Academic Senate to think about innovative and creative ways to ensure that the students feel emotionally and physically safe.

IV. Special Orders—Consent Calendar

*For proposed legislative amendments, **additions** to the current text are noted by an underline; **deletions** to the current text are noted by a strikethrough line. Per Division bylaws, the consent calendar is approved in the absence of a quorum.*

A. Proposed amendment to Berkeley Division bylaw 16 (Committee on Budget and Interdepartmental Relations)

The Committee on Budget and Interdepartmental Relations (BIR) proposes to amend its bylaw to allow the creation of internal bylaws, which will formalize the appointment process and duties of BIR's In-Lieu Budget Committee, which reviews personnel cases when BIR members are recused.

16. BUDGET AND INTERDEPARTMENTAL RELATIONS A. Membership

This Committee has at least seven members.

B. Duties

It represents the Division in all matters relating to appointments and promotions and makes recommendations to the Chancellor on appointments, promotions, salaries, and other matters related to the quality of the faculty.

- It may adopt bylaws setting out the membership and procedures for appointment of the standing In-Lieu Budget Committee (En. Date)

C. Term

Its term of office begins on July 1.

B. Proposed amendment to Berkeley Division Bylaw 21 (Committee on Faculty Welfare)

The Committee on Faculty Welfare proposes to amend its bylaw to codify the committee's practice of operating with two equal co-chairs.

21. FACULTY WELFARE (Am. 4.25.05, 5.1.14)

A. Membership

This committee has ~~two co-chairs a chair and a co-chair~~, one of whom should be an emerita/emeritus. The committee has at least twelve voting members, of whom one-third should be emeriti.

B. Duties

This committee confers with campus administrators on matters concerning the general welfare of both regular and emeriti faculty, such as conditions of employment, office space, salary policy, benefits, dependent care, housing, and other matters pertaining to either or both of the constituents. The committee reports and recommends to the Division on these issues.

C. Proposed rescission of Berkeley Division Bylaw 23 (Ombudspersons)

The Committee on Rules and Elections approved the rescission of BDB 23. As of 2021-22, the Ombuds role was phased out and replaced by a paid, professionally trained Faculty Ombudsperson reporting to the EVCP and subsequently the Vice Provost for the Faculty (VPF), with administrative support from the Office for Faculty Equity and Welfare (OFEW). In 2022-23, it was determined by the VPF and the Chair of the Berkeley Division that the role would be permanently positioned in OFEW. With this transfer, there is no need for an Ombudspersons standing committee, and the bylaw should be removed.

~~23. OMBUDSPERSONS (Am. 3.92, 10.19.00) A.~~

~~—— Membership~~

~~This is a committee of at least three.~~

~~**B.—— Duties**~~

~~Members of the committee hear complaints, except as noted below, from academic personnel regarding actions by members of the Division and other officers of the University, by students, or by staff.~~

~~**C.—— Procedures**~~

- ~~• They are not required to hear, to investigate, or to act on complaints, but may do so if they choose; they may refer complaints to other agencies of the University.~~
- ~~• When investigating a complaint, they may question members of the Division and may have access to relevant~~

~~documents of the Division or its agencies, except for the confidential files of the Committee on Budget and Interdepartmental Relations.~~

- ~~• After completing their investigation, they may make recommendations to appropriate agencies of the University.~~
- ~~• Files of the Committee shall be confidential. Reports or public statements of the Ombudspersons Committee will, under no circumstances, make reference to specific information in confidential personnel files.~~
- ~~• The Ombudspersons will not hear complaints that fall within the jurisdiction of the Committee on Privilege and Tenure unless referred to them by that Committee but they may take cognizance of complaints alleging improper procedures by the Committee on Privilege and Tenure.~~

D. Proposed amendment to Berkeley Division Bylaw 163 (Parliamentary Authority)

The Committee on Rules and Elections proposes an amendment to BDB 163, which specifies Robert's Rules of Order as the source of authority for parliamentary questions not covered by legislation. The amendment clarifies that the reference should be to the most recent edition of Robert's Rules of Order.

163. PARLIAMENTARY AUTHORITY (En. 10.19.00)

Questions of authority not covered by legislation are governed by the most recent edition of Robert's Rules of Order.

E. Proposed enactment of Berkeley Division Bylaw 73 (College of Computing, Data Science, and Society)

The College of Computing, Data Science, and Society proposes a new bylaw to establish the faculty of the College. The Academic Senate members of the faculties of the four faculty-holding units including in the College at its inception voted to approve the bylaw. The proposed bylaw was reviewed and approved by the Committee on Rules and Elections.

73. COLLEGE OF COMPUTING, DATA SCIENCE, AND SOCIETY (En. DATE)

In addition to ex officio members, By-Law 64, members of this Faculty are:

1. All members of the Division who have at least 0% FTE (above the line) appointment in one or more departments, schools, or augmented graduate groups assigned to the College of Computing, Data Science, and Society, and emeriti who had such appointment at the time of retirement.
2. All members of the Division who serve as chair or head of the Center for Computational Biology, Computational Precision

Health, or any other augmented graduate group assigned to the College of Computing, Data Science, and Society.

3. All members of the Division who were appointed through FTEs that were allocated to the Center for Computational Biology (CCB) before it became an augmented graduate group in 2018 (“Type 1” members of CCB).
4. Up to three members of the Division annually designated by the faculty committee having oversight of the Data Science Major.

F. Proposed enactment of Berkeley Division Regulations 450 (Registration), 451 (Bachelor of Arts Degree), 452 (Major Programs), 453 (Honors), 454 (Dismissal)

The College of Computing, Data Science, and Society proposes new regulations applicable to candidates for the bachelor’s degree in the College of Computing, Data Science, and Society. The regulations were approved by the College faculty and by the Data Science Governance Committee. The proposed regulations were also reviewed and approved by the Committee on Rules and Elections. Once approved by the Berkeley Division, the new regulations will be added to the Manual in Part II of the Berkeley Division Regulations alphabetically, as Title IV (titles for subsequent schools and colleges will be renumbered).

**TITLE IV. COLLEGE OF COMPUTING, DATA SCIENCE, AND SOCIETY
(En. [date])**

450. REGISTRATION

- A. Students must enroll in at least 12 and not more than 20.5 units per semester, except with approval from the Dean or representative.
- B. A student admitted to the University as a freshman who has completed eight semesters shall not be permitted to register for any additional terms without permission of the Dean or representative. If permitted to register, the student is subject to such supervision as the Faculty of the College, or their designee, directs.
- C. A student admitted to the University as a transfer student who has completed five semesters shall not be permitted to register for any additional terms without permission of the Dean or representative. If permitted to register, the student is subject to such supervision as the Faculty of the College directs.
- D. A student may complete an unlimited number of units beyond the minimum 120 semester units required for graduation on the condition that the student graduates within the maximum semesters allotted (8 for a student matriculating as a freshman and 5 for a transfer student).

451. BACHELOR OF ARTS DEGREE

The degree of Bachelor of Arts is granted upon the following conditions:

- A. Minimum Unit Requirements: The candidate must have completed at least 120 units, with at least 36 of these units in upper-division courses. Courses outside the College of Computing, Data Science, and Society may be included.
- B. Unit Restrictions: In addition to any unit limitations specified by the University and Division, the following restrictions apply:
 - a. a maximum of 4 units of Physical Education may be counted toward the degree;
 - b. a maximum of 16 Special Studies units may be counted toward the degree;
 - c. a maximum of 6 units in 300-499 courses may be counted toward the degree.
- C. University and Division Requirements: The candidate must meet all general, curricular, and residence requirements as assigned by the University and Division.
- D. Curricular Breadth Requirements: The candidate must have satisfied the breadth requirements specified by the Faculty of the College.
- E. Major Program Requirements: The candidate must have satisfied the major program requirements specified by the Faculty of the College and the Faculty of the major program.
 - a. A change from one major program to another may be made only by permission of the Dean (or representative) and of the department or committee in charge of the major program to which the student petitions to transfer.
- F. GPA Requirements: The candidate must attain at least a C (2.00) average in all upper-division or graduate-level courses that are identified as satisfying the requirements of the major. In the case of elective course options, the calculation will include the minimum number of courses with the highest grades needed to fulfill the requirement.
 - a. Students who fail to attain a grade-point average of C (2.00) for all work taken in the major program may, at the option of that major program's faculty, be denied the privilege of pursuing that major program.

452. MAJOR PROGRAMS

The major program is designed as a planned effort to explore a subject systematically, to assure that all students pursuing the same major program acquire certain knowledge in common.

- A. Proposals for new majors, as well as changes in requirements for all existing major programs, including prerequisites and

alternative electives, must be approved by the Faculty of the College.

- B. Group major programs may be set up by conference between two or more departments or members of two or more departments, subject to approval of the Faculty of the College.

453. HONORS

- A. To receive Honors, High Honors, or Highest Honors in the College, students must meet the criteria set forth in Regulation A270.
- B. Honors in the Major. Each major may establish an Honors Program, subject to approval of the Faculty of the College. a. Members of the Academic Senate who are members of the department or group in charge of a major constitute the Committee on Honors for that major. Such a committee is delegated the authority to prescribe criteria for enrollment in the Honors Program of that major and criteria for honors with the Bachelor's Degree.

454. DISMISSAL

- A. Students will be subject to academic probation if at the end of any term they fail to achieve an overall grade-point average in the University of C (2.00) or a grade-point average of 1.5 for that term.
- B. Students will be subject to dismissal if after one term on probation they fail to achieve an overall grade-point average of C (2.00) or if for the term on probation they fail to achieve a grade-point average of C (2.00).
- C. The Faculty, or its designated agent, has the power to:
 - 1. dismiss from the University students under its supervision;
 - 2. suspend provisions of this Regulation, thereby permitting retention in the University of students subject to dismissal; and
 - 3. authorize return to the University of students who have been dismissed under this Regulation.

G. Proposed enactment of Berkeley Division Regulations 500 (Major Program), 501 (Bachelor of Science Degree), and 502 (Dismissal) The Berkeley School of Education (BSE) proposes new regulations applicable to candidates for the new bachelor of science degree in Educational Sciences. The regulations were approved by the School's faculty. The proposed regulations were also reviewed and approved by the Committee on Rules and Elections. Once approved by the Berkeley Division, the new regulations will be added to the Manual in Part II of the Berkeley Division Regulations. If new regulations for the College of Computing, Data Science, and Society are approved, BSE's Title IV will be renumbered as Title V, and subsequent titles will be renumbered. Additionally, existing BSE regulations 500, 501, 502, 503,

504, and 505 will be renumbered, so that the new regulations for bachelor's degrees will appear first, for consistency with other schools and colleges.

TITLE V. BERKELEY SCHOOL OF EDUCATION (En. [date])

500. MAJOR PROGRAM

A. Undergraduate major programs are prescribed by the Faculty of the School and announced on the webpage of the School of Education.

501. BACHELOR OF SCIENCE DEGREE

A. The degree of Bachelor of Science is granted on the following conditions; the candidate must have:

1. Completed all degree requirements in accordance with any limitations specified by the University and Division.
2. Completed a minimum of 36 upper division units in Education courses and a minimum total of 120 units.
3. Satisfied the general education requirements as specified by the Faculty of the School.
4. Satisfied requirements of the major program as specified by the Faculty of the School.
5. Maintained an upper division GPA of 2.0 or higher. All Education courses taken for the major must be taken for a letter grade with the exception of those only offered on a Passed/Not Passed basis, or unless approved to be taken Passed/Not Passed by the Faculty of the School.
6. Completed degree within 8 semesters (or 4 semesters for transfer students). Students pursuing simultaneous degrees will be granted one additional semester to complete their degrees.

B. The School of Education may recommend for Honors such students as it judges worthy of that distinction in accordance with Regulation A270.

502. DISMISSAL

A. Students will be subject to academic probation if at the end of any term they fail to achieve at least an overall grade-point average in the University of C (2.00) or if they fail to achieve a grade-point average of 1.5 for that term.

B. Students will be subject to dismissal if after one term on probation they fail to achieve an overall grade-point average of C (2.00) or if for the term on probation they fail to achieve a grade-point average of C (2.00).

- Computation of the grade-point average shall not include courses graded P, NP, I, and IP.
- C. The Faculty, or its designated agent, has the power to:
1. dismiss from the University students under its supervision;
 2. suspend provisions of this Regulation, thereby permitting retention in the University of students subject to dismissal; and
 3. authorize return to the University of students who have been dismissed under this Regulation.

ACTION: Consent Calendar items A-E and G were approved as presented. Item F was moved to New Business for further discussion.

V. Reports of Special Committees (None)

VI. Reports of Standing Committees (None)

VII. Petitions of Students (None)

VIII. Unfinished Business (None)

IX. University and Faculty Welfare A. Accommodations and flexible arrangements (Discussion only)

Associate Dean in the L&S Division of Social Sciences and Regional Associate Dean of the SHARE region Professor Leonardo Arriola (Political Science) moderated a panel on the growing need for adjustments for students enrolled in courses, including accommodations for students with disabilities.

The Interim Executive Director and Associate Director of the Disabled Students' Program (DSP) Martha Velasquez formally announced Carmen Varela as the new DSP Director and provided a brief overview of the program. There are about 5,000 students who are enrolled in DSP, supported by fifteen DSP specialists who range from general, mental health, and autism specialists. Interim Director Velasquez explained that disability accommodations are adjustments or modifications that allow students with disabilities to have equal access to the same educational opportunities as their peers. For students to receive disability accommodations, they need to provide documentation verifying the presence of a diagnosed medical disability or medical condition and the current impacts of their diagnosed disability or medical condition. Accommodations are intended to remove barriers in the academic environment, and accommodations are determined on an individual basis. DSP considers the specific needs of each student and the requirements of their educational program and individual courses. One challenge has been finding space for proctoring exams as they currently have requests that are higher than the pre-COVID numbers.

Vice Provost for Undergraduate Education (VPUE) and Faculty Athletics Representative Oliver O'Reilly stated that one of his priorities when he was the Academic Senate Division Chair was to improve relations with DSP, which he has continued in his current role. Central to improving these relations is finding and providing increased support to instructors so they can support students. Vice Provost O'Reilly has also been the campus' faculty athletics representative to the PAC-12 and National Collegiate Athletic Association (NCAA), serving as an advocate for student athletes. He notes that his busiest task as the faculty athletics representative has been in reaching out to instructors about providing accommodations to student athletes. Vice Provost O'Reilly provided a [link](#) to survey results from instructors on campus on the topic of accommodations, and the report findings include:

- Overwhelming support for DSP;
- Concern from instructors that DSP was under resourced and overwhelmed by student demand;
- Concerns about student conduct and cheating;
- Overwhelming support for a proctoring center that has the capacity to accommodate 150% and 200% timed exams;
- Request for additional dedicated staff and increased GSI support to process finding rooms and managing the increasing range of accommodations;
- Increased resources for course redesign using universal design for learning principles and systems to enable timely communications with instructors and DSP consultants;
- Increased awareness of resource constraints experienced by instructors;
- Flexible deadlines and automatic granting of extensions for assignments;
- Allowing instructors to consult with DSP specialists in designing their courses;
- Providing training to DSP specialists on how classes work differently in varying departments.

Vice Provost O'Reilly will be organizing a small working group to develop a plan of action to improve proctoring support.

Professor Jonah Levy (Political Science) is one of two DSP faculty liaisons on campus along with Professor Justin Davidson (Spanish and Portuguese) who help faculty with making accommodations. This can be done through one-on-one discussions or department presentations. He hopes to add a third liaison from a STEM field. Some of the main areas where faculty run into difficulties with the DSP processes include:

- Treating an accommodation as optional or inconvenient;
- Tendencies to blame DSP specialists;
- Stigmatizing or outing of students with disabilities; and

- Not understanding the limits to accommodations and their opportunities to challenge the use of certain accommodations in their class.

Executive Director Jenae Cohn of the Center of Teaching and Learning (CTL) focused on how her unit is a resource to the campus community and is an office of professionals who are trained classroom educators from multiple disciplines. The staff thinks about the best practices and anticipates a particular need in classes.

Questions from Academic Senate members included accommodations that do not apply to specific courses as well as how these needs are being communicated to Unit 18 lecturers.

X. New Business A. Proposed enactment of Berkeley Division Regulations 450 (Registration), 451 (Bachelor of Arts Degree), 452 (Major Programs), 453 (Honors), and 454 (Dismissal)

Item F, having been removed from the Consent Calendar, was discussed as New Business. An Academic Senate member stated that the minimum 36 upperdivision units required for the bachelor of arts degree in the college, as specified in the proposed BDR 451, is much higher than the requirement for other technical colleges and that it would negatively impact transfer students. It was proposed to change the number to 20 to match the College of Engineering. Another Senate member said that the number was arrived at in consultation with CoE and L&S, and noted that the L&S Computer Science major requires 36 upper division units. According to L&S advisors, it has not been an issue for transfer students.

Chair Auffhammer said that rules do not allow unnoticed significant amendments, so such an amendment cannot be voted on today. Chair Auffhammer confirmed that discussion of the proposed amendment had concluded.

ACTION: A vote was held by Zoom poll on the item under review, approval of Berkeley Division Regulations 450 (Registration), 451 (Bachelor of Arts Degree), 452 (Major Programs), 453 (Honors), and 454 (Dismissal). The regulations were approved with a vote of 92 in favor and 8 opposed.

It was moved and seconded to adjourn the meeting at 4:28 p.m. The motion was carried.