

## GRADUATE ASSEMBLY MEETING

December 3, 2009

### SUMMARY OF THE MEETING

This meeting concluded the Fall Semester. It was called to order at 5:33 p.m.

#### Announcements

Matt Marks said two vendors in the Bear's Lair Food Court were scheduled on Tuesday to have their spaces go out to RFP. One vendor has already left. The decision to go to RFP was based on myths from the ASUC Auxiliary. The Auxiliary is the administrative support arm of the ASUC and the Graduate Assembly and was basically University Administration. The Store Operations Board has grads, undergrads, administrators, and faculty. It's charged with overseeing the policies the Auxiliary implements with commercial activities in student space.

The Auxiliary created a number of myths about Bear's Lair Food Court vendors, such as being heavily subsidized by the ASUC, when they were actually the highest paying. All this myth-making was involved in the decision to go to a Request for Proposal for these three spaces, voted on by Mr. Rajan and Mr. Ortega. They and Mr. Daal could be empowered by a GA Resolution, to engage in good faith contract negotiations.

It was noted that the Auxiliary gave information to the Board in good faith and that there was a lot more subtlety to this situation. The campus community should engage in this.

Postcards were distributed to for grads to comment on they'd like to see in a new GSHIP.

The Student Technology Council had a poll on the bSpace home page on projects students thought were important.

The Business Office report included year-end dates and the closing. Also, the GA was having a party on December 8.

The agenda was amended to add Resolutions 0912c, on lobbying, and 0912d, regarding an RFP for the Taqueria.

#### Report from the Funding Committee

The Funding Committee has started work on reviewing funding practices, to be presented in February. They're looking at the last two years for Graduate Events resources.

The Funding Committee reviewed Round 3 Graduate Events applications. They had \$21,000 to allocate, a 57% cut from requests

With no objection, the Assembly approved the Funding Committee's report on Round 3 Graduate Events, \$21,536.47.

### Officer Reports

Nominations were open for 2010 Faculty Mentor Awards. Students were needed on a number of campus committees, including Academic Senate and administrative committees

### Presentation by George Breslauer, Executive Vice Chancellor and Provost

The campus had a budget gap of \$148 million. The campus has gone out of its way to protect the TAS budget and the curriculum, while the budget cut to academic units was 17.7% and was 21.7% to non-academic units.

The campus has been formulating a medium-term strategy to reach equilibrium between revenues and expenses in three or four years. That involves increases in student fees, for \$40M in new revenue, and more non-resident students, for an additional \$60M. And Operational Excellence, with the Bain consulting company, was helping the campus save tens of millions of dollars. They're also reducing faculty by about 100, out of about 1,500.

The campus will continue raise money from private individuals and has a capital campaign of \$3B. They're already at about \$1.6B. They hope complete the campaign by 2013. The campus was also heavily involved in very extensive political advocacy efforts to try to get the State to both stop its disinvestment and reverse it.

The campus was expected to continue be the best public research university in the country.

Grad applications have increased 40% in the last eight years. Acceptance rates have increased from 45% in 2001 to 55% in 2009.

Last year the campus got 10% of all NSF grants, #1 in the country. For the last decade, Berkeley leads the country in the number of NSF fellowships to grads.

Last year they raised \$650 million in research funds from federal governmental sources and private foundations. They've already gotten \$67 million in stimulus funds from competitive research applications. Last year was the best for establishing graduate fellowships from private donors, \$24M.

From the 100 Hewlett Chairs, 25% of the endowment yield will go to grad support in the chair's area of study. Support for grad stipends has also increased from central campus sources, thanks to Dean Szeri's efforts.

The number of GSIs declined that year about 3%. GSIs, readers, tutors, and GSRs were exempt from furloughs.

Students could help the campus with their participation in private fundraising and working with Bain to identify possible cost savings.

Regarding the humanities, they were not being deprived of authorization to hire new faculty, and the future of the humanities at Berkeley was glorious.

## Resolution Referral

Summary of the Meeting (cont'd)

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The following bills were referred to committee:

0912a, Standing Policy and Directed Action to Support Bus Rapid Transit in Berkeley,

0912b, By-law Amendment to Change Committee Quorum Requirements

0912c, Standing Policy and Directed Action for United Lobbying and Public Funding

0912d, Directed Action on RFP for Taqueria Tacontento

The GA voted to fast track 0912a and 0912d.

## RESOLUTIONS

With no objection, Resolution, 0909a was tabled indefinitely, Directed Action to Create a Grad Academic Funding Coordinator Position, since no one was willing to take on the position.

Resolution, 0911a, was approved unanimously by voice-vote, On Directed Action to Compensate the Unofficial Acting CAVP for the Month of September.

By unanimous voice-vote, 0911b, On By-law Amendment to Expedite Funding Appeals, was tabled until February.

Resolution 0911c, a By-law to Allow Officer Stipend Rescission, was amended and was approved unanimously by voice-vote.

Resolution, 0912a, was amended, included its title, and was approved unanimously by voice-vote, On Standing Policy and Directed Action to Support Further Study of Bus Rapid Transit in Berkeley.

The Assembly considered Resolution, 0912d, On Directed Action on the RFP for El Taqueria Tacontento. It would call upon the Store Operations Board to stop discussion on going out to an RFP for the Taqueria's space and negotiate a lease extension. After extending the meeting time in order to discuss the Resolution, the time for the meeting expired and the meeting adjourned.

The meeting, concluding the Fall Semester, adjourned at 7:58 p.m.

## **End Summary of the Meeting**

This regular meeting of the Graduate Assembly, concluding the Fall Semester, was called to order by Miguel Daal at 5:33 p.m. in the ASUC Senate Chamber.

## ANNOUNCEMENTS

Mr. Daal said the first announcement was from Matt Marks.

Announcements (cont'd)

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Matt Marks introduced himself and said he was an undergrad there. He didn't know if everybody got a copy of the hand-out that he brought. As many of them might know, the Bear's Lair Food Court has two vendors who were currently scheduled that next Tuesday to have their spaces go out to RFP. Another vendor has already left, and what he'd talk about that evening was the Taqueria. They're going to decide whether to go to RFP or continue with contract negotiations with the Taqueria.

Mr. Marks said the decision to go to RFP was primarily based on a myth that was raised by the ASUC Auxiliary. The first thing on the agenda was Mr. Permaul, exactly a year ago, informing the Store Operations Board that Healthy Heavenly Foods was closed for a week over the break due to Health Code violations. But the truth was that the business just couldn't use its oven for one day; and the restaurant remained open and served food. And the Auxiliary, it was just found out, was in non-compliance for the exact same violation for Pauley Ballroom. Where Ahn Vu, the owner of Healthy Heavenly Foods, was portrayed as irresponsible and not getting work done in over a year, there was no discussion of the fact that the Auxiliary also had a year to do the same thing, and was allowing people to use the Pauley Ballroom kitchen in violation of the exact same infraction.

Mr. Daal asked if everybody understood about the Auxiliary and the Store Operations Board. Mr. Marks said the Auxiliary is the administrative support arm of the ASUC and the Graduate Assembly. It's basically University Administration. Ten years ago an agreement was reached to share governance over this space, primarily directed towards commercial activity space. The Auxiliary was Nad Permaul and Tom Spivey, the faces and names people were probably familiar with. The Store Operations Board is a combination of undergraduate and graduate students, administrators, and faculty. It's charged with overseeing the policies the Auxiliary implements with commercial activities in quote "student space."

The Auxiliary created a myth that the Bear's Lair Food Court was heavily subsidized by the ASUC. That was said over and over again. It was also stated that the Bear's Lair Pub was the highest paying vendor. That was actually completely wrong. The Auxiliary completed a report in 2007 that showed that Bear's Lair Food Court vendors were actually the highest paying food service vendors, above the Bear's Lair Pub and above Gelateria Naia. That report, completed by the Auxiliary, was never shown to Mr. Rajan or to Mr. Daal. It was completely filed away even though it contradicted three years of statements. Mr. Rajan, Mr. Daal, and Mr. Ortega are three members of the Board, and Mr. Rajan actually chairs the Store Operations Board.

The Bear's Lair Food Court vendors were not heavily subsidized, and the truth was exactly the opposite, and they are the highest paying vendors. In 2007, Helen Levay, from UC Real Estate Services, reported that some of the vendors were above, and some of them were possibly right below, or at market rate. And the Auxiliary still continued, after completely disregarding the report, to say the vendors were subsidized.

Mr. Marks said another thing that happened was that a survey was produced of students, on what businesses they would prefer in Lower Sproul. The list included such names as Coffee Bean and Tea Leaf, Starbucks, and the Coffee Spot. And of all three, the most respondents out of all three of those chose the Coffee Spot. The results were presented to the Board as 60% of students being in favor of big business, and the number one big business listed was Starbucks. As they could see from the hand-out, the number one business was actually the Coffee Spot. However consciously it happened, it was a complete lie, or misrepresentation of the results.

Mr. Marks said other things happened. He said that Mr. Permaul stated that that the vendors were unwilling to invest in their spaces. The truth was that the vendors wanted to invest in their spaces, but needed

Announcements (cont'd)

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to know what sort of investment to make. They wanted to be sure that after spending thousands of dollars on drawing up plans, that they would actually have a long-term lease. And again, this was something Mr. Permaul did not tell the Board.

Mr. Marks said that all this myth-making was involved in the eventual decision, which Mr. Rajan and Mr. Ortega voted on, to go to a Request for Proposal for these three spaces. Mr. Rajan and Mr. Ortega believed that that manipulation of facts was not the primary thing that caused the Board to go to RFP, but that rather, they had a duty, as representatives of the students, to make sure that they were looking at all the available options in order to provide the best service for students. That was very commendable. At the same time, the Board voted unanimously to approve a contract with Tully's Coffee with absolutely no RFP. The Commercial Activities Agreement, which outlines the rules and regulations the Store Operations Board, was specifically required to follow, states that they go to a Request for Proposal process for any new commercial activity in order to ensure that students get the best services. The Auxiliary, and Mr. Rajan and Mr. Ortega, say that because it wasn't technically quote "commercial space" yet, it wasn't bound by those same rules. But there's a little bit of a Catch-22, because if it wasn't commercial space, the Board had no authority to do anything there.

Mr. Marks added they also gave Tully's a first right of refusal for any future coffee spots in the Student Union. That was in direct violation of the Commercial Activities Agreement, which required a proposal process for new commercial activity. Right now, they were talking about spending student money to put a lounge next to Tully's, a seating area. That would increase the space Tully's had. After that goes through, Tully's would be the newest "most subsidized" vendor. It will be paying \$1.80 per square foot for the best space in the Student Union. It had extreme visibility and was in the biggest intersection on campus. The Auxiliary will lose money on it. It's a nine-year contract, and Tully's will be heavily, heavily subsidized.

Mr. Marks said that at the last SOB meeting, November 17, the Auxiliary was informed that students after 6 o'clock were going to be making banners in the Bear's Lair Food Court for the strike, a strike the GA actually passed a Resolution in support of. Students regularly hang out in the Bear's Lair Food Court after 6 o'clock. But the Auxiliary directed the Police Department to come and evict students right at 6 o'clock, violating students' rights of free assembly and free speech. The police evicted them and then literally put locks and chains on the doors, chaining the doors shut. It just so happens that when the Bear's Lair Pub is in operation, the Bear's Lair Food Court was the Pub's back entrance. So that was in violation of fire code. If there had been a fire in the front end of the Bear's Lair Pub, everybody there would have been locked in, trapped in the building. Two days later, the Auxiliary kicked out students and faculty who were trying to have an event in there that was directly related to the strike. The Auxiliary said it was quote "unsafe" and that they didn't have the required permission to do that.

Mr. Marks said the Store Operations Board is charged with overseeing commercial space and overseeing policies of the Auxiliary. He did inform Mr. Rajan, at the very beginning of the meeting that happened as to what was going on. Mr. Rajan told him that he overestimated his power and that it was the Auxiliary's decision, and that he didn't have power over that.

Mr. Marks said he believed that what has happened there has been a manipulation of the facts. He didn't think that Mr. Rajan, Mr. Daal, or Mr. Ortega would dispute any of this. But Mr. Marks said he would encourage people at the meeting to ask them about this. Mr. Marks said he thought Mr. Rajan, Mr. Ortega, and Mr. Daal could be empowered by a Resolution, passed by the GA that based on these facts, to

Announcements (cont'd)

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recommend that instead of going to a Request for Proposal, or bringing up the Taqueria for a competitive bid with Subway, or any corporate entity, as well as small businesses, that they instead engage in good faith contract negotiations. This was only a matter of \$500 to \$1,000 a month. It was chump change. It was absolutely nothing. Mr. Permaul and Mr. Spivey, the Auxiliary, make \$200,000 a year. They have proven to be completely unreliable and haven't given the Board a single bit of information. There's no direction to actually go for a quote "Request for Proposal" for the Auxiliary.

Mr. Marks said he thought the Board had sort of an outside perspective. It hasn't been given all the information the entire time. He would ask the GA to actually engage in a discussion with Mr. Rajan, Mr. Ortega, and Mr. Daal, and to ask about the inconsistencies. It will take a three-quarters majority vote to quote "recommend" something, and it would be up to these three to follow that recommendation or not. The recommendation would be that instead of going through a Request for Proposal process, that it be acknowledged that this has been a process that has been manipulated from the beginning and that, instead, they engage in good faith contract negotiations. That was very obviously the will of the student body at that time.

Mr. Marks said Lower Sproul redevelopment was proposed to happen. Pitting the GA and the ASUC against the needs of the students was not a good thing to do right before students were asked to vote to actually support increased fees for Lower Sproul.

Mr. Daal said he would like to thank Mr. Marks, and called for any questions.

Mr. Rajan asked if he could just make a comment. He agreed and disagreed with a lot what of Mr. Marks said, and they would have to agree to disagree. He thought the Auxiliary gave information to the Board in good faith and the information they gave the Board by which to make a decision was the best that they could do at that time. Of course, they don't know that for a fact, and Mr. Rajan said he couldn't really define one thing or the other. He'd also own up to the fact that they could even argue that a lot of mistakes were made prior to this. The Tully's decision was made prior to the RFP decision. For those Delegates who were there last year, it was right around the time that Panda Express was being considered; and a lot of things were changing at that point. Things fell under the radar.

Mr. Rajan said he wasn't ready to concede yet that the Tully's contract was a mistake. All of the claims made were relative, and were claims made across everything else around campus. Mr. Rajan said that all he wanted to point out was that there was a lot more subtlety to these arguments than were being made. Mr. Rajan said he would also mention that he will hold that until the GA actually discusses the Resolution. There was a different motivation for doing what they did. But Mr. Rajan said he did agree with the last thing that Mr. Marks said. It's getting to the point where he thought that more of the campus community needed to engage in this. He's gotten a lot letters about this in his role as the Store Operations Board Chair, and all of them were signed by graduate students. It seemed that graduate students were leading a lot of the protest, and that wasn't getting filtered through the Delegate Assembly. The three graduate students on the Board have a lot of power to change its policies, but they need to know what the GA thought, so they could effectively represent grads. This will be discussed more. And of course, he was always

open to questions, whenever people had time. There's also a forum on Monday that people could attend to learn more about this, although action might be needed before that.

Mr. Daal called for any other announcements.

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Mr. Ortega said that for the people who were there last time, postcards were passed around regarding the GSHIP, the Grad Student Health Insurance Plan. The University of California issued a Systemwide plan to improve the costs and expand the services for graduate health plans. The postcards pretty much state that there were certain things grads value that they would like to see implemented as negotiations continue. He'll pass the postcards around and if they haven't signed one, he would ask them to please do so. He would ask Delegates to take them back to their schools and get some other people to sign them. That would be great. They could also drop them off at the Graduate Assembly.

Adis introduced himself and said he was a Delegate and was also the Co-Chair of the Student Technology Council, a new group. They're piloting a proposal process that year. They'll fund student technology projects. Before they start, they want to find out what students think were the biggest technology needs on campus. He tried to get a question on the floor, but it didn't quite make it. But there was a poll on the bSpace home page. It's the message of the week, and there's a link to a poll. There's one question dealing with possible technology needs. If people could just answer that, that would be really helpful, and the Student Technology Council could spend the money it has on projects that students thought were important. He wanted to thank them.

Ms. Hsueh asked Delegates to please take a look at the Business Office report. It included a lot of year-end dates and the closing. If groups have petty cash they haven't picked up since May, the GA may cancel that by the end of December. There was a lot of information in her report. She would also ask them to please come to the party at the GA on December 8. There were little blue fliers about that.

Mr. Daal said he would ask Delegates to please fill out their feedback forms, to the most descriptive extent possible.

#### APPROVAL OF THE AGENDA

Mr. Rabkin moved to approve the agenda. The motion was seconded.

Mr. Marchand said he wanted to add 0912c to Resolution Referral, just to be referred.

Mr. Daal said there were two Resolutions people have proposed to be included in the agenda, and he believed Mr. Marks also wanted to introduce a Resolution. Mr. Rabkin said there was no Resolution before them to refer.

Mr. Marchand moved to amend the agenda by adding Resolution 0912c. The motion was seconded by Mr. Rabkin. Mr. Daal said the Resolution was printed out. THE MOTION TO APPROVE THE AMENDMENT TO THE AGENDA PASSED WITH NO OBJECTION.

Mr. Daal said the next motion was to add to the agenda 0912d, authored by Matt Marks, Directed Action on the RFP for the Taqueria. The Resolved Clause states that it was the opinion of the GA to stop all

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Report from the Funding Committee

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discussion of RFPs for the Taqueria and instead, enter into good faith negotiations with the Taqueria owner. The motion to amend the agenda was seconded by Mr. Ellsworth.

Mr. Rabkin said he didn't think the GA could tell the SOB not to consider something and thought the Resolution was out of order.

THE MOTION TO AMEND THE AGENDA, TO ADD 0912d TO RESOLUTION REFERRAL, PASSED BY VOICE-VOTE.

WITH NO OBJECTION, THE AGENDA, AS AMENDED, WAS APPROVED.

### APPROVAL OF THE MINUTES

Mr. Daal called for any objection to approval of the minutes from the November meeting. THE MINUTES FROM THE NOVEMBER 5, 2009 MEETING WERE APPROVED WITH NO OBJECTION.

### REPORTS

#### Report from the Funding Committee

Mr. Tahir said the Funding Committee met on November 24 and started to work on a document that will be presented to the Delegates at the February meeting. They'll review funding practices. They've started to look at data for the last two years for Graduate Events resources and how that trend has increased over time. More and more groups were applying for funding, and funding opportunities for the GA have decreased.

Mr. Tahir said the Funding Committee met on December 1 and reviewed Round 3 Graduate Events applications. The report was attached to the agenda. They had around \$21,000 to give away, which was a 57% cut from requests, more than they had last year. They discussed one way of having a big global budget cut was to decrease the ceiling they give to student groups from \$1,000 per semester to \$500. There will be a better analysis in the February report.

They're also trying to look at which departments get the most amount of money and trying to figure out student group composition according to their reports.

Mr. Daal call for a questions and seeing none, called for a motion to approve the Funding Committee report. It was so moved and seconded. **THE MOTION TO APPROVE THE FUNDING COMMITTEE REPORT, ROUND 3 GRADUATE EVENTS, \$21,536.47, PASSED WITH NO OBJECTION.**

Officer Reports

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Presentation by George Breslauer, Executive Vice Chancellor and Provost

### Officer Reports

Mr. Daal said the next report was from the External Affairs Vice President.

Mr. Ortega, External Affairs VP, said his report was included in the packet and outlined what they did over the month. If people had any questions or would like to get involved, his e-mail was included.

Mr. Daal said the next report was from the Campus Affairs Vice President.

Mr. Marchand, Campus Affairs VP, said nominations were open for Faculty Mentor Awards for 2010. Awards will be presented in April and people can make nominations until February. People could pick up a blue sheet posted in their department. That would be very much appreciated. Also, they need students on a number of campus committees, including three Academic Senate committees. People were needed for that week. There were also a number of administrative committees on campus that they need representatives from the GA. Gwenyth Harrison-Shermoen did a great job, so they don't have that many committees left. He put out a sheet with all the positions that were still open, along with descriptions of what the committees were about. All of them meet about once a month, unless there were exceptions. He included a sign-up sheet. People could enter up to three choices in case many people sign up for the same committees. Sitting on these committees, they'd see how the University was run and could give the opinion of graduate students. These committees deal with issues on the library, computing, and other things that were very relevant to the GA's work. So he would urge grads to sign up for these committees.

### Presentation by George Breslauer, Executive Vice Chancellor and Provost

Mr. Breslauer said that when he last spoke to the GA, a year ago, the campus was planning for a \$67 million budget cut. At the end of May, that budget gap had ballooned to \$148 million. That was to say, that's the combination of the amounts slashed by the State in its allocation to the University, plus the unfunded mandate that UC has been given over time, things the State once funded, but have stopped funding, such as utility bills, faculty merit, staff salary increases, and so on.

Mr. Rabkin asked if this was for the Berkeley campus, not the whole system. Mr. Breslauer said that was correct. The \$148 budget gap the campus had at the end of May was not easily predicted. They would have had to predict that the ballot propositions the Governor put on the ballot last on May 19 were all going to fail and that the Governor's response would be to slash everybody as much as possible in order to show what that vote would mean. That was his rhetoric, e.g., about closing State parks. He was going

to slash so much that people would end up regretting that they voted against the propositions. It was something of a temper tantrum. But the campus and the University, as with so many others, had to live with the results. And the result was that all of their planning for a \$67 million budget gap, which entailed sending out to all the units plans for an 8% budget cut, went out the window, and the amount that to be covered went up by June to a 20% budget cut.

In the near term, of course, that was very short notice for some very deep cuts, and everybody was hurt, with the single exception of the TAS budget, which the campus went out of their way to protect, so they

Presentation by George Breslauer, Executive Vice Chancellor and Provost (cont'd)

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could deliver the curriculum. But other than that, the budget cuts to the academic units, excluding faculty salaries and library collections, the cut from the base from which cuts were made, was 17.7%. The budget cuts to the non-academic units were 21.7%.

Mr. Breslauer said the campus has been thinking beyond the immediate impact of this year's cuts, which was pretty draconian and predictable. Once they learned what the figure was, they knew cuts would have to be deep all around. They've been formulating a medium-term strategy for reaching equilibrium between expected revenues and expected expense needs in three or four years. And that entailed several things. One was student fee increases at the resident level. Another, as they knew, was an increase in the percentage of non-resident tuition payers in the undergraduate student body. A third was the Operational Excellence initiative that people have read about, with the Bain consulting company helping the campus understand ways it could save tens of millions of dollars. Another strategy was to reduce the size of the faculty by about 100, out of what was currently close to 1,500.

Mr. Breslauer said he would put some numbers on this. After financial aid, the undergraduate student fee increase just voted by the Regents will yield, after return to aid, about \$40 million of new money per year. That would go towards the \$148 million current gap. Non-resident tuition increases over a four-year period will ratchet up about a \$60 million a year increase in revenues. The Operational Excellence was a bit of a wildcard. The goal was to improve the business operations of the University at both ends. That was to say, to have things cost less, but to procure better, so that the people who use the procurement system, for example, find it easier to procure things at a lower cost to the University. Right now they're somewhat conservatively expecting about a \$40 million annual savings from that. And these savings were annual. If they were to reduce the size of the faculty and keep that size down to that current level, it would save the campus about \$15 to \$20 million a year in faculty salaries and benefits. Plus it would save the campus about \$40 million in temporary money from start-up packages. So they're talking big money. And there were lots of other things the campus was doing, to shave here or there, or to raise more revenue here or there. But none of them fall into this category of such big chunks of revenue enhancement or cost savings.

The campus will, of course, continue to do what it was been doing for 25 years, raising private money from private individuals as rapidly as possible. Their capital campaign was \$3 billion, and they're already at about \$1.6 billion. They hope by 2013 to complete that campaign. And of course, they haven't given up on the State by any means, and the campus was heavily involved in very extensive and intensive political advocacy efforts to try to get the State to both stop its disinvestment in higher education and to reverse it, and to not just stop cutting the University, but to restore funds that have been cut.

That took place at three levels. At the grassroots, the Office of the President sent out messages to 1 million Cal alumni who live in the State of California, for example. And then there's something called the "grasstops." That's when they go to the people who fund the campaigns of legislators and who call them

up and say they graduated from Cal, and ask what the legislator was doing to the institution the caller loved so much. And the implication was that the caller helped fund the legislator's campaign. That's what they call "grasstops" as opposed to "grassroots."

And then there were the legislators themselves. In the last few months, Mark Yudof has been to Sacramento approximately 25 times, talking one-on-one with legislators, the Governor, the Department of Finance, and so on.

Presentation by George Breslauer, Executive Vice Chancellor and Provost (cont'd)

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Mr. Breslauer said that was sort of a broad outline of the directions taken with political advocacy. They hope that some things they're doing, such as reducing the size of the professoriate, will be reversible as a result of good fortune with respect to revenue enhancements and cost savings, from whatever of these sources, including from the State. The nice thing about it was that it could be reversed very, very quickly. There was one year a few years ago when the campus had about 130 authorizations to search for new faculty in a single year. This year they only had about 10, because they went into a freeze in order to save money. Next year they're going to probably authorize at least 50 searches for new faculty, and perhaps more, depending on what happens financially between now and the summer.

Mr. Breslauer said he thought this strategy was going to work. He's been on campus for longer than people could imagine, and this was his 39th year as a professor at Berkeley. So he's seen a lot. He's seen a lot downturns, although admittedly, this was the worst downturn he's seen. And the fact that it's accompanied by gridlock at the State political level made it all the more depressing. But they could fight their way out of this because they were Berkeley. He wouldn't want to a second-rate institution in this context. People want to save first-rate institutions. So they do have that competitive advantage, and he didn't think they were going to lose it. He thought they'll continue to have what one might call a monopoly on the market niche as the best public research university in the country. And they'll continue, of course, to compete with the Harvards and the Stanfords and the MITs, and so on, for both faculty and for graduate students.

Mr. Breslauer said the campus has been doing quite well for graduate students. They continue to successfully recruit the best and the brightest. Some of the data were extraordinary. He got this from Dean Szeri. Applications for graduate study there have increased 40% in the last eight years. They're enrolling more of those students that were admitted at the graduate level, and acceptance rates have steadily increased from 45% in 2001 to 55% in 2009.

Mr. Rabkin asked if that was the acceptance rate of those they admit who accept the school's offer. Mr. Breslauer said it was, and said that was pretty amazing for those they're competing with for those same students. They just got word of the aggregated 2001 through 2009 data on NSF, for science, engineering, and economics. This last year they have got 10% of the total, 124, and were #1 in the country, surpassing MIT, which had 110. Harvard had 75; and Stanford, 72. Over the course of the last decade Berkeley leads the country in the number of NSF fellowships to their graduate students.

Mr. Breslauer said they can't normalize it and say that sure, they got three times as many graduate students as everybody else. Rather, even though when they normalize it for size, Berkeley was in the lead. Their research budgets were increasing. That last year they raised \$650 million in research funds, largely from federal governmental sources, like the National Science Foundation, the National Institute of Health, the Department of Energy, Department of Defense, and others, plus private foundations, including Ford,

Mellon, Carnegie, MacArthur, and so on, plus a very small amount from corporate sources, about 2.7%. The \$650 million they raised in research funds that year was on top of their normal churn of getting applications in for grants and winning them, that is, individual faculty grants. They've already gotten, he believed, \$67 million of stimulus funds as a result of competitive research applications.

Mr. Breslauer said that what this translates into for grad students was more money for graduate student researchers. Because obviously, the faculty, in order to implement their research programs, need to hire more graduate student researchers, in the sciences and in engineering in particular.

Presentation by George Breslauer, Executive Vice Chancellor and Provost (cont'd)

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Mr. Breslauer said philanthropy was going really well, and last year was the best ever for establishing graduate fellowships from private donors. They got new support totaling \$24 million in the course of this campaign, which started the quote "silent phase" of the campaign. That silent phase always precedes the public phase of a campaign. The "silent phase" is when they assess how much they'll be able to raise, and they start to get pledges, and then, in some cases, start to get donations. It tells them how well they're going to do. The last thing they want to do was to announce a goal and not be able to meet it, and then look in the end like a total failure.

Mr. Breslauer said they went through a three- to four-year silent phase and determined they could raise \$3 billion; and that's what they were on the road to doing. If they don't raise it by 2013, they'll raise it by 2014. They've already in that period raised \$100 million in new endowments for graduate student fellowships. And for

Plus, that didn't include the Hewlett Chairs. The Hewlett Chairs were really quite unique, and only because they're 100 matching chairs. Hewlett provided \$1 million per chair and the campus got donors to put up another million dollars. Donors have found that utterly irresistible. Of course, a donor had to have a million dollars to spare. But they were drawn to the notion that they could put in their million dollars and somebody else would add another million, for a \$2 million chair. The Hewlett Foundation deserved kudos because Hewlett said it didn't want its name on the chairs, and gave the sole naming rights to the donors who matched their \$1 million. That was a very generous act on Hewlett's part. And it's been magic. The campus has already filled 60 of the 100 chairs.

Mr. Rabkin asked if they raise the money and fill it or if they find somebody to put in the chair. Mr. Breslauer said it was not just raising the money, but signing the deal. What people who were rolling in money will often do was to write a check for \$1 million. Other people who are quite well-to-do but nonetheless don't want to write a check for a million dollars will decide to write a check for \$200,000 a year for five years. So the chair wouldn't be fully funded for five years, and the Hewlett match only comes with each piece. At a certain point, he thought, after a couple of years of that, they can appoint somebody to the chair, even though the yield from the chair will not be at its fullest until after those five years.

Mr. Breslauer said they have designated that 25% of the yield will go to graduate student support in the area of study of the chair holder. That's a unique model. The campus had to talk Hewlett into that by talking to them about the importance of both faculty and graduate students, and the synergies between them. And it worked. Hewlett was highly receptive and weren't arrogant at all. And in the end, they turned out to be very generous. The campus started by asking Hewlett for \$500 million. But the campus knew that wasn't going to go anywhere. So they actually got \$113 million because 20 of the chairs were

\$3 million chairs; and there was an extra \$3 million to help manage the money. So on top of the \$100 million for graduate student fellowship endowments, part of which was the \$24 million they raised last year, they have the prospect, when all the Hewlett chairs were fully funded, of \$55 million from that source in new endowment for graduate fellowships.

By having an endowment, that meant, of course, that there would be a yield of about \$2.7 million per year. But the beauty of endowment is that it builds a foundation that, over time, will grow. And over a long period of time, it grows a lot. While the campus would still get the yield, it would be a much bigger yield. That's how to grow the foundation of their future rather than just going for the immediate impact.

Presentation by George Breslauer, Executive Vice Chancellor and Provost (cont'd)

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Mr. Breslauer said the campus also increased support from central campus sources for stipends for graduate students. That was from Andrew Szeri's efforts. And Mr. Breslauer said he would note that much of the credit for many of the things he was talking about went to the Graduate Division and to Dean Szeri, who the campus was very fortunate to have in that position. The campus thought Mary Ann Mason was fabulous, the previous Grad Dean, and the campus feared she was irreplaceable. And they found Andrew Szeri, who was just terrific, and who has increased stipends for graduate student fellowships.

Mr. Breslauer said they're holding somewhat steady on the number of teaching assistantships. The number of GSIs has declined from this year versus last year, but only by about 3%. Considering the magnitude of the cuts the campus had to pass down to all units, that suggests that GSIs were disproportionately protected in the aggregate. And it's a huge operation campus-wide, in the aggregate.

Finally, the campus exempted GSIs, readers, tutors, and GSRs from the furlough plan. This exemption came from Berkeley's lobbying of the Office of the President, Berkeley was centrally involved in deciding what the furlough plan would be since they wanted it to be the same for all ten campuses. Otherwise, they could imagine if there were faculty furloughs on one campus, but not on another. One of those campuses would go nuts. So the OP standardized it for the whole system. GSIs, readers, tutors, and GSRs being exempt from furloughs was not automatic, and was a product of lobbying.

So the campus has been doing its best to protect graduate students, as best it could, in extremely challenging times. They don't know what will happen next year. Against the notion of another \$21 billion State budget deficit, they're lobbying like mad. They've asked the State to restore the money that it cut last year, and then some. They decided not to lowball the request and decided to ask the State for over \$900 million, more than they gave UC this year, for the System as a whole. And they just keep lobbying.

Now, of course, that lobbying had to intensify over time. The campus hopes graduate students, as well as undergraduates, from all the campuses, will become involved in trying to pressure the State Legislature to protect higher education. They're up against a situation where so much of the State budget was already constitutionally precommitted as a result, among other things, of the initiative process. They're competing, essentially, with prisons, fire, police, and social welfare.

Mr. Breslauer said it was hard to go to Sacramento and make the case in invidious terms, for fewer police, fewer firemen, more for higher education, and less for social welfare. They might be able to make an argument about prisons, which have absolutely gotten absurd. He's been told, and he had no reason to believe his source was wrong, that there are more prison guards today than there were prisoners in 1982. If that's true, that was amazing. The number of prisoners in 1982 numbered about 35,000, and now they

have about 168,000. That was a product of the initiative process, with “three strikes and you’re out,” and was the product of the drug laws. He’s told that one-third of the prisoners in the State of California were in for drug offenses. They had to get that away or the State was heading for an unprecedented area. But the way to lobby was by a full-court press, through grassroots, grasstops, and direct interaction with legislators. The campus hopes the students will be with them in going to Sacramento. There will be a big rally in Sacramento in March. There were a lot of things to do, and not just to write to their own legislators. Rather, it had to be more than that. People had to harass legislators, in the sense that people not write just one letter and settle back and forget about it. Rather, they had to keep writing, and get their friends to write, and their parents and their relatives to write.

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The theme was generic: Higher education is the future. It educates the citizenry of the State. If the citizenry of the State stopped getting educated, that would not only have economic consequences, but cultural and political consequences.

Mr. Breslauer said the other message was more specific to the UC System. It would be hard to find anybody who would even try to make a counter argument that it wasn't the most impressive teaching and research university system in the world. There's nothing like it. There weren't that many university systems, but there are more than they might think. The University of Michigan has Ann Arbor, and it also has Dearborn and Flint, which people in the room have never heard of. But there are lots of university systems. The State University of New York has more campuses than people in the room have heard of. But as for membership in the AAU, which was a sign of being considered in the top 60 research universities, six of UC's nine eligible campuses are in the AAU. That's something that took a very long time to build, a century; and it could be destroyed in a decade. That was the message they had to get across. People had to understand that they could lose what took so long to gain through shabby treatment over a relatively short period of time.

Mr. Breslauer said he was sure they had a lot of questions and he would stop there. Mr. Daal called for any questions.

A delegate said her department just went through an external review. One of the main recommendations made was that the department was below strength in faculty and that new faculty hires should be a top priority. She said it was mentioned that the campus was going to cut faculty by 100 faculty members. But later, she believed it said that the campus was not looking to hire more faculty. She was confused which way they were going and what to tell her department.

Mr. Breslauer said that almost all departments were below strength. More than that was strength defined as programmatic coverage of the various subfields that were considered essential, or strength defined as enough faculty to teach the number of students who want to take courses or wanted to major in that field. They face a situation where so many departments could make that claim, and such a large proportion of the external reviews of department make that argument, that they need more faculty. What will happen is that when they rebuild the faculty, the Academic Senate Budget Committee, which is not a budget committee, but a committee on academic personnel, will heavily influence the distribution of the search authorization. It will proceed on the basis of its reading of things, like external reviews, but also its reading of the demands for programs for majors as well as programmatic strengths. Some departments, for example, might just add some new subfields, which they call “cutting edge,” without ever dropping

anything. That's a prescription for adding many, many more faculty, so that they don't have to make the hard choices among accumulated subfields.

On the matter of numbers, this was how it worked. This year they're only going to make about ten appointments, effective in July. But they're probably going to have about 60 separations, i.e., faculty leaving the University, either as a result of death, retirement, denial of tenure, or being recruited away by another university. Last year he thought they had 54. This year they may have 60 or 70. So if they just hire 10 people and lose 60, they're down 50 already. The campus has done that for two years. Last year they only recruited 25. In the previous year it was 130. So the bulge was working its way through. But now they realize that next year they have to search for many more faculty just to prevent the rate of decline from continuing, just to reduce that rate of decline. But once they reach 100 below where they

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were, roughly speaking, or 1,400 instead of 1,500, then if you have 60 people leaving each year, for whatever of those four reasons, the campus really had to search for 90, just to replace them, just to hold steady state. That's because only about two-thirds of those searches will succeed.

Once they reach that point, which was coming up very, very rapidly, they had to radically accelerate the rate of new faculty hiring to offset the rate of faculty retirements and separation by other means from the University. Some 200 of their 1,500 faculty were over the age of 65. So while there are dozens of them, whose attitude is, "I'll die in the lab," nonetheless the campus had to believe that some of them will get tired and just want to take retirement. And that was a statement coming from someone in his 39th year there. This job kept making him feel alive. That's the reason he spoke about reducing the size of the faculty and then increasing the rate of hiring in order to maintain a steady state. If things get better, they'll do more than maintain a steady state, and they'll rebuild the faculty. There was no intrinsic reason why they want a smaller faculty if they could afford it. So they'll increase the size of the faculty.

A Delegate said increasing the number of out-of-State students was mentioned, and he asked about the magnitude of that increase, and if there was any consideration for grad students. Mr. Breslauer said there wasn't, since half their grad students were from out-of-State as it was. At present, he thought 9.4% of their undergrad student body were not California residents, coming from either the other 49 states or from abroad. For a while, the campus felt that number was too low, and that they needed more international students in the undergraduate student body, and needed more diversity of geographic backgrounds in order to have a better educational experience in the classroom. But the drive now to push it up quickly was driven largely by financial considerations. They'll do that over a four-year period. And they hope over that four-year period, which may stretch to five years, that the percentage of the undergraduate student body who will no longer be California residents, will go from 9.4% to about 20%. So it's a 10-20%. To give concrete numbers, with 25,000 undergraduates, 10% meant 2,500 were non-resident. If they push that up to 5,000, with 20,000 California residents and 5,000 non-resident, that would be 80% instead of 90% California residents. The difference in the amount that the campus would net from a non-resident student relative to in-State students after July 1 will be \$24,500 per student. Multiply that by 2,500 more students and it's \$60 million. And when the campus faces a \$148 million budget gap, a \$60 million potential to close that gap was pretty irresistible. But it will take the campus four years to get there because they can't do it over night. They don't want to sacrifice quality. They've been making pitches on the East Coast to high school counselors for them to urge their best students to apply, because the word that was out in the East Coast was to not bother applying for Berkeley because they'd never get in. In fact, it has been the case that an undergraduate non-resident applying to Electrical Engineering and Com-

puter Science at Berkeley was the single hardest admit in the country, at the undergraduate level. But this will be introduced gradually over time so they don't have to sacrifice quality.

A Delegate said it was mentioned there was an exception from furloughs for GSIs and GSRs. He asked if that exemption also applied to other campuses or just to Berkeley. Mr. Breslauer said that was the entire campus. There were individual exceptions such by researcher on an endowed fund or a research gift. They could exempt people from a furlough just as they exempt people from grads in contracts. Those kinds of individual exceptions were left to individuals. But the general policy was dictated Systemwide because otherwise it would just create chaos in the System. They could imagine GSIs going to the Chancellor at Santa Barbara saying Berkeley has exempted their GSIs and Santa Barbara hadn't, and asking why that was the case. So it was uniform for that reason.

Mr. Rabkin asked about the policy towards protests and protesters, particularly with regard to fire alarms. Mr. Breslauer said that 35 buildings had their fire alarms hit. He asked what the question was. Mr.

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Rabkin asked what the Administration's policy was towards protests both in terms of what was done during them and what was done after sanctions. Mr. Breslauer said that was a difficult question. On November 20 they were improvising because one thing they did not anticipate was the power that text messages was planned to have. It was text messaging that led to 33 buildings having fire alarms activated, or to have the surge of a crowd go in one direction rather than another. The campus deeply regretted that things ended up coming to blows. They are not going to, at that point, pre-judge guilt on either side. One policeman went to the hospital and two others were injured. So there was violence in both directions. They're gathering the videos that were taken by the protesters and by the media who were there and by the Police Departments videoing it, and by those standing by who were willing to share them. At that time, they decided they weren't going to start putting up videos on YouTube to show different parts of the picture. They'll do an investigation. Rules have been negotiated over time and weren't easily discarded. So, first, the Police Department will do an internal review of complaints it received. That goes to the Police Review Board, which will do an evaluation. People were not arrested, but were cited and released. They were taken to jail, were cited, on site, and given a misdemeanor charge. They will have court dates unless, for some reason, the Chancellor wanted to drop the charges. There are arguments for and against doing that. The issue all comes down to whether they want to give political reassurance or deter future behavior. That wasn't an easy question and the Administration has had correspondence with lots of faculty members about deep, philosophical issues of how to balance the rights of protests when the protest took over a classroom building and locked it down, versus the rights, in this case, of Wheeler, the 3,800 students who didn't get to go to classes.

Mr. Rabkin said his question was what about the policy was in responding to these things. Mr. Breslauer said it was a work in progress.

Mr. Daal said he would note that there is a graduate student on the Police Review Board.

A Delegate said that outside of holding protests, begging the State Legislature for money the State doesn't have, and paying more in student fees, he asked what students could do constructively to assist the University and the UC System in dealing with the financial situation they currently face. Obviously, when the Regents and the OP make an edict for student fee increases, there's very little recourse students had, realistically, to change that determination. And asking the State Legislature to defer additional funds for any program, whether in education, public health, or otherwise, was kind of a non-starter because the State itself at that time was almost in favor of economic collapse. So outside of the University finding

opportunities for revenue generation, or looking outside the University, he as a student felt powerless to deal with this situation because it was basically trying to make something out of nothing. He was sure Mr. Breslauer felt somewhat the same. He would like to know what graduate students could do to help rectify some of this.

Mr. Breslauer said he appreciated the sentiment with which that was expressed. Students could help the campus with private fundraising. They don't raise money for graduate student fellowships without rolling out graduate students to impress the Governor. They don't speak hypothetically to him. So to the extent grad students help with that, they help to raise funds that directly support graduate students. Additionally, he'd presume students were organized and working with Bain to identify possible cost savings. That was really big. The campus has been working with Bain for a little over two months. Bain really knew what it was doing. It also has experience with other universities. So the company knew what to look for. Bain will give the campus a final set of recommendations that the University will decide whether or not to accept. That won't happen until March, as Bain had a lot more work to do. But so far, Bain has

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interviewed close to 500 people, either individually or in groups, including grads, undergrads, staff, faculty, and deans. They're really trying to get the kind of input on the campus, from the grassroots, as it were, that would alert them to ways in which things could be done better. The area where students were highly disaffected, when it was presented to them, was with student advising, which may be more at the undergraduate level than at the graduate level. At many other universities, advising had so much more on the Web for students already that they didn't need as much individual contact with student affairs officers. The students would tell Bain about that, to the extent that they're able to identify areas where they think service was poor. If they could include things like that to the Bain consulting process, that wouldn't be trivial. Mr. Breslauer said he mentioned they hoped to gain \$40 million in permanent cost savings, and that was every year. It could be a lot more than that. Just in procurement they could save tens of millions of dollars, if they get away from the idea that every individual had a right to procure things for themselves, at whatever price. If the campus could consolidate that a great deal, as has been done at other universities, Bain predicted they could save \$40 million just in procurement changes. And the campus was working towards an electronic procurement system that will hopefully go into effect starting next summer. He wished he had more and better answers.

A Delegate said that in terms of fundraising and private sources of funding, he thought the endowment as of last year was the first of its kind, with a partnership between a research institute and a private entity. He asked if there was any idea about moving forward with different types of relationships between private enterprise and the University for more than just education, but interests. A lot of grads will end up in the private sector. The campus develops human capital and the institution benefits those corporations, and that was an opportunity to pitch for private investment into the institution. It was obviously a slippery slope because private institutions would be involved.

Mr. Breslauer said that was correct, and the campus had to control it. As he's said, about 2.7% of all research money brought in through grants and contracts were research gifts to individual researchers, and were accounted for in a separate ledger. Corporate America has deals to a lesser larger extent with almost all major research universities already. That, per se, was not a novelty. But for EBI, because of its magnitude and the fact that it would be doing private research on the campus, the campus developed a process, and it took them six months to negotiate the contract. The campus wanted to make sure it protected itself. The scientists, especially engineers, really know how to pitch to corporations. There are 30,000 Cal graduates in Silicon Valley, which was actually co-built by Berkeley. It wasn't just a creature

of Stanford. More of that will happen. They're negotiating a contract that may or may not succeed because the campus has its red line. A corporation wants "X," and the campus says it will give X minus 10 in terms of privileges, especially access to intellectual property. It's not just that they want to hire Cal graduates. What they want is co-researcher status.

A Delegate said he was from the French Department and he and his colleagues were rather concerned about the future of the humanities there, especially because they weren't particularly talented in making their cases to corporations for private funding. He believed they're also represented by only two or three members on the Academic Senate committee that was mentioned. He asked what the future there was for humanities and where the funding was going in terms of priority funding and attrition.

Mr. Breslauer said that two years ago, when they hired big time, the humanities made 21 faculty offers, and 17 accepted. No other college, school, or division was in double digits. So with respect to authorization to hire new faculty, the humanities were not being deprived. He thought the future of the humanities at Berkeley was glorious. He thought they were fabulous, and thought Berkeley had the best humanities

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faculty in the country. They have 19 departments, and the campus' coverage was really quite extraordinary, with the quality also extraordinary. And the humanities, not as a division, but as an enterprise, extended beyond the humanities, for historical reasons. History is in the social sciences at Berkeley and in the humanities at Stanford. Cal's History and English Departments were both ranked number one in the country in the latest *U.S. News and World Report*. There tends to be within the humanities the assumption that they're getting the short end of the stick. And when they see a new science building go up, they ask why they couldn't replace Dwinelle. He was happy that the protesters didn't try and take Dwinelle because they would have never have found their way out. But most of those science buildings that go up are the equivalent of libraries, and the sciences can't do without laboratories. And most of the money raised tended to be from private fundraising. Scientists and engineers were constantly seeking grants, to keep their own research going, without which they're nowhere, and for money to put up buildings they need. The new Stanley Building was a major boon to the sciences there, but it wasn't at the expense of the humanities. When they think of the last six years, for humanities-related construction, they have the new Music Library, a gorgeous, unique building. There's the Bancroft renovation, which for all intents and purposes was a new building, even though it's still within the same location, the Doe Library. If they haven't been to the Bancroft before, it was spectacular. And the money for that was raised largely privately. Money for the East Asian Library money was raised privately. They're hopefully going to raise the requisite \$40-50 million shortly to be able to put up in coming years a companion building to the East Asian Library, which may or may not be next to it, for East Asian languages and cultures, as well as the Institute of East Asian Study. For the Berkeley Art Museum, the original design fell through because it got too expensive relative to what the campus thought it could raise. So they're going for a back-up plan at the same location, at half the price, and it will be a really beautiful facility.

So they could start totaling things up. Mr. Breslauer said his brother is a biophysical chemist at Rutgers University, and spends between 11 p.m. and 2 a.m. working on grant renewal proposals. Mr. Breslauer said he sees how hard his brother works, and when asked why he worked so hard, his brother says he had 12 people dependent on him to give them a salary next year, and he had to raise the money for it. So it wasn't as though scientists were relaxing in luxury, and work hard all the time, just as humanists do. It's because so much money brought in last year in grants and contracts was solely science and engineering. But the funding requirements for the sciences and engineering were just so much larger than funding requirements for the humanities.

Mr. Breslauer said he wished they had better facilities for the humanities, and facilities beyond libraries, such as departmental facilities. If a donor came to him and said they wanted to clean up Dwinelle, or renovate Wheeler, Mr. Breslauer said he would leap on that and be ecstatic about it. Three years ago he received an undesignated request of \$1 million. Anything at \$1 million or below, he got to designate. Above \$5 million the Chancellor got to designate, with approval of the University President. Mr. Breslauer said he got to give that \$1 million directly to dance and performance, to replace their lighting system at Zellerbach Playhouse. He got another undesignated request last year and gave the bulk of it to improve the interior of Dwinelle. That amount wouldn't rebuild Dwinelle or renovate the interior entirely, but hopefully, that money has made a difference to the appearance and comfort of Dwinelle. He thought they were being fair to the humanities, and were at least trying like hell. It may be that disappointment was measured relative to expectations. But they do everything they could.

Mr. Kline asked about Athletic Department funding and how much was spent on it and how much the individual student's contribution was being spent on it, and if it was being cut to reduce budget cuts. Mr. Breslauer said he could give the exact numbers as to where the subsidy comes from. From Reg Fees, he

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believed it was \$2.6 million in Reg Fees going into Athletics. And then the Chancellor promises Athletics a certain amount. In addition, there's overage, if Athletics lived within that budget. What's happened over the last five years is that they hired Sandy Barbour in 2004, and she has not only done a fabulous job as Athletic Director, but has pretty determinedly driven down the Athletic Department deficit she inherited. But this year, as a result of conflating circumstances, it went up. The Chancellor has basically asked Ms. Barbour and Nathan Brostrom, to whom she reports, the Vice Chancellor for Administration, a plan to get Athletics back under control. That plan couldn't eliminate the deficit overnight, but over four years. Mr. Breslauer said he didn't know if Athletics will be asked to get it to zero or to a certain amount the Chancellor considered to be just. Because they live within certain requirements, such as Title IX, they spend \$8 million for women's sports, and no women's sports bring in a profit. So they're subsidized. Football brings in a \$12.5 million profit a year, so it subsidizes almost everyone else, except for men's basketball, which brings in about \$1.5 million in profit each year. But everything was on the table at the moment. Ms. Barbour was on notice, and whether that meant reducing scholarships or cutting one, two, or three teams remained to be seen.

Mr. Kline asked why reducing the number of scholarships would be a measure for dealing with the deficit. Mr. Breslauer said there were a lot more student athletes than there were full scholarships. Mr. Daal said that Nathan Brostrom will be the GA's guest next spring and could probably answer the question in more detail. Mr. Brostrom also said that if people wanted to ask specific questions, they could send them to Mr. Daal, and he'd like to answer questions that people had.

A Delegate said that coming from a professional school, it seemed that professional degree hikes have gone up significantly, 20-30%. Mr. Breslauer said the movement in professional degree fees began with Business and Law. It was based upon an argument that they were greatly underfunded by the campus and by the State relative to what it costs to have a competitive Business and Law School. Competitors tend to be very, very strong, financially as well as academically. They won the day by arguing that they both needed the extra funds and that their graduates were going to be able to pay back their loans pretty quickly, given the kinds of salaries they command. Chris Edley, at the Law School, had to make the additional argument that the danger was that this will skew students' choice of fields away from public interest law, which pays so much less, and that as a result, those students wouldn't be able to pay back

their loans as easily. As a result, Mr. Edley came up with a very aggressive return-to-aid policy, where there's not only financial assistance, but financial forgiveness involved, specifically at the Law School, for students who go in to public work. Optometry followed very soon thereafter and has a somewhat similar argument.

What's happened in recent years was that Schools of Business, Law, or Optometry have begun looking at their professional degree as a way of basically maintaining budgetary solvency. The Goldman School of Public Policy, the School of Public Health, the College of Environmental Design, have gone this route. And there have been debates about this within the School of Education, although he didn't think they'd go that route. Social Welfare had a big debate about this. Mr. Breslauer said he thought the only good news was that professional degrees in the other Schools he mentioned were so much less than they were in Business or Law. They're talking about \$4-6,000, whereas for Business and Law, it was stratospheric. It was regrettable, but everybody was trying to cope.

Mr. Daal said the Provost's time had expired. Mr. Breslauer said that if people have specific questions they would have asked if he was able to stay longer, he would ask them to please drop him an e-mail. Mr. Daal said he would like to thank the Provost. (Applause)

Resolution Referral

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Mr. Marchand said he and ASUC Academic Affairs VP John Tran meet with Mr. Breslauer on a regular basis. So if people had more questions for the Provost, Mr. Marchand said they could send them to him. Mr. Marchand said he would really appreciate getting Delegates' feedback, because that's how he knew which issues to bring up at those meetings. Delegates were the best people in terms of having a diversity of departments, so he would ask them to please send him their questions. Mr. Daal said that was a good point, and Mr. Marchand meets with the Provost monthly.

A speaker asked when the next meeting will be. Mr. Marchand said he believed there was one next Friday.

## RESOLUTION REFERRAL

Mr. Daal referred the following bills to committee:

0912a, Standing Policy and Directed Action to Support Bus Rapid Transit in Berkeley, to the Environmental Sustainability Committee, the External Affairs Committee, and the Campus Affairs Committee

0912b, By-law Amendment to Change Committee Quorum Requirements, to all committees.

0912c, Standing Policy and Directed Action for United Lobbying and Public Funding, to External Affairs Committee and the Campus Affairs Committee

0912d, Directed Action on RFP for Taqueria Tacontento, to the Budget Committee and the Campus Affairs Committee

Mr. Ortega moved to fast track 0912a. The motion was seconded by Mr. Ellsworth.

Mr. Rabkin asked if there was a reason to fast track, since the Committee recommended further studies. He asked if this Committee could spend a month and consider it.

Mr. Froehle said the City Council will probably vote on Bus Rapid Transit in early April, and will take a recommendation from a City Commission, which will make a decision on this probably in early February. The GA's next meeting isn't until February, so there would be no way for the GA to have influence over the City's decision unless this was considered that evening.

Mr. Rabkin asked what it meant to "provoke further study." Mr. Ortega said the City has a Catch-22 policy where they can't build something until it's studied and they can't study something until they plan to build it. The bill encourages the City to have a study so there eventually could be Bus Rapid Transit.

Mr. Daal said a three-quarters majority vote was needed to fast track a bill. Seeing no further discussion, he said they would come to a vote. **THE MOTION TO FAST TRACK RESOLUTION 0912a PASSED UNANIMOUSLY BY VOICE-VOTE.** Mr. Daal said it would be inserted as a Resolution for discussion and vote, item e).

Mr. Marchand said that due to the nature of the bill and the author's intention, he would move to fast track 0912d. The motion was seconded.

Resolution 0909a, Directed Action to Create a Grad Academic Funding Coordinator Position - 21 -

**THE MOTION TO FAST TRACK 0912d PASSED WITH NO OBJECTION.** Mr. Daal said the bill would be item f).

## RESOLUTIONS

The following Resolution, 0909a, was authored by Mr. Marchand:

### **RESOLUTION ON DIRECTED ACTION TO CREATE A GRADUATE ACADEMIC FUNDING COORDINATOR POSITION FOR 2009-2010**

**WHEREAS**, UC Berkeley's commitment to achieve comprehensive excellence in research means that graduate students in all disciplines should receive adequate financial support to focus on their studies; and

**WHEREAS**, graduate student funding packages currently vary widely between departments, and there is no policy describing campus-wide standards or rules in awarding those packages; and

**WHEREAS**, in addition to providing transparency and equity in graduate student funding, such a policy could be used in the UC Berkeley marketing campaigns to attract potential graduate students;

**THEREFORE BE IT RESOLVED**, that the Graduate Assembly elect a Graduate Academic Funding Coordinator for the 2009-2010 academic year.

BE IT FURTHER RESOLVED, that this Coordinator will form a workgroup open to all UC Berkeley graduate students.

BE IT FURTHER RESOLVED, that the workgroup will have the following goals:

- (a) Find and compile information from UC Berkeley graduate academic programs regarding their funding packages and policies;
- (b) Collect information from graduate students in these programs regarding their satisfaction with the funding environment at UC Berkeley;
- (c) Find and compare policies on graduate student funding from other peer universities;
- (d) Meet with Graduate Division administrators to discuss the possibilities for new graduate student funding policies at UC Berkeley.
- (e) Present a report to the Graduate Assembly, during the April 2010 delegate meeting, that will include:

Resolution 0909a, Directed Action to Create a Grad Academic Funding Coordinator Position - 22 -  
Resolution 0911a, Directed Action to Compensate the Unofficial Acting CAVP for the Month of September

#### RESOLUTION ON DIRECTED ACTION TO CREATE A GRADUATE ACADEMIC FUNDING COORDINATOR POSITION FOR 2009-2010 (cont'd)

- i. a summary of the findings of the workgroup's consultations and research, as well as
- ii. recommendations of further Graduate Assembly, or standing policy, regarding graduate academic funding at UC Berkeley.

BE IT FINALLY RESOLVED, that the recommendations of the workgroup will be subject to adoption at the May, 2010 Delegates meeting.

Mr. Daal said he believed that at the last meeting, the bill was moved and approved such that the GA would only discuss this if somebody was interested in being the Coordinator. So he would begin by asking if anybody was interested in being Graduate Academic Funding Coordinator.

A Delegate asked if this was a student position. Mr. Daal said it was. The position would be created upon approval of the Resolution.

Mr. Daal said that if there was still nobody interested in filling this position, they would table the bill until their next meeting, whereupon he would ask again if anybody was interested in the position.

Mr. Rabkin said he would like to kill the bill. This was the second or third meeting it's been proposed. Mr. Daal said it was proposed in September. Mr. Rabkin said it's been kicking around all semester and has become an embarrassment. He asked if they could remove this from the agenda.

Mr. Froehle said they could move to table the bill indefinitely.

A Delegate asked if the position was paid. Mr. Daal said it wasn't, but the bill could be amended for it to be a paid position.

THE MOTION TO TABLE INDEFINITELY 0909A PASSED WITH NO OBJECTION, RESOLUTION ON DIRECTED ACTION TO CREATE A GRADUATE ACADEMIC FUNDING COORDINATOR POSITION FOR 2009-2010.

Resolution 0911a

The following Resolution, 0911a, was authored by Meghan Anderson:

RESOLUTION ON DIRECTED ACTION TO COMPENSATE THE UNOFFICIAL ACTING CAVP FOR THE MONTH OF SEPTEMBER

WHEREAS, the position of Graduate Assembly Campus Affairs Vice President was essentially unfilled throughout the summer of 2009; and

Resolution 0911a, Directed Action to Compensate the Unofficial Acting CAVP for the Month of - 23 -  
September

Resolution 0911b, By-law Amendment to Expedite Funding Appeals

RESOLUTION ON DIRECTED ACTION TO COMPENSATE THE UNOFFICIAL ACTING CAVP FOR THE MONTH OF SEPTEMBER (cont'd)

WHEREAS, the nominal GA CAVP was recalled at the September Delegates meeting with no official replacement named until the October meeting; and

WHEREAS, Gwyneth Harrison-Shermoen has been attending to all urgent CAVP duties since the beginning of the Fall 2009 semester; and

WHEREAS, these duties would normally be compensated at a rate of \$16/hr, had Gwyneth been formally elected as Acting CAVP by the Assembly; and

WHEREAS, most of the funds allocated in the Graduate Assembly budget for the CAVP stipend for the months of August and September remain unused; and

WHEREAS, the Graduate Assembly will benefit in the long term from a policy of supporting members who are willing to step up in difficult times;

THEREFORE BE IT RESOLVED, that the Graduate Assembly compensate Ms. Harrison-Shermoen \$512 for her work as unofficial acting CAVP during the month of September, with no modification to the budget.

Mr. Rabkin said he could speak on the bill on behalf of Ms. Anderson. The position of Campus Affairs VP was a lot of work, and Ms. Harrison-Shermoen would like to get paid. The bill would amend the budget to direct that to happen.

Mr. Ellsworth said the Resolved Clause states that no modification of the budget was required. Mr. Rajan said this was money that would have been paid to the CAVP if the position had been filled. The money was already allocated.

A motion to approve was made and seconded. Mr. Daal said that seeing no discussion, they would move to a vote.

THE MOTION TO APPROVE RESOLUTION 0911A PASSED UNANIMOUSLY BY VOICE-VOTE, RESOLUTION ON DIRECTED ACTION TO COMPENSATE THE UNOFFICIAL ACTING CAVP FOR THE MONTH OF SEPTEMBER.

The following Resolution, 0911b, was authored by Ariel Rabkin:

#### RESOLUTION ON BY-LAW AMENDMENT TO EXPEDITE FUNDING APPEALS

WHEREAS, the current funding appeals process requires the President, the Rules Officer, and the Funding Chair to meet, which may be difficult to arrange, and this impedes rapid resolution of appeals; and

Resolution 0911b, By-law Amendment to Expedite Funding Appeals (cont'd)

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#### RESOLUTION ON BY-LAW AMENDMENT TO EXPEDITE FUNDING APPEALS (cont'd)

WHEREAS, section 6.7.2 of the By-laws previously began "Decisions of the Funding Committee to deny or limit funding to a particular Graduate Student Group may be appealed to the Funding Appeal Committee, which shall consist of the Funding Chair, the Rules Chair, and the President";

THEREFORE BE IT RESOLVED, that the By-laws of the Graduate Assembly be modified to replace the first sentence of section 6.7.2 with the following:

“Decisions of the Funding Committee to deny or limit funding to a particular Graduate Student Group may be appealed to a Funding Appeal Committee. This committee shall be convened by the Rules Chair. The membership will consist of the Rules Chair and two additional Executive Board members, to be chosen by the Rules Officer.”

Mr. Rabkin said the problem the bill was trying to solve was the requirement that in order to have a funding appeal, the presence was required of the GA President, the Rules Officer, and the Funding Chair. It turns out these three people's schedules don't always align. So such a meeting could be hard to arrange. His thought was to just have the Rules Committee Chair pick two people from the Executive Board and impanel a review board a funding appeal. The reason for the wording was because they might potentially want people who weren't involved in the previous decision to review it. But the intent was to have people on the Executive Board picked based on particular circumstances to do the review.

Mr. Tahir said there was a reason there should still be a Funding Committee member on the appeals panel. As for the point about people's schedules not aligning, he didn't remember Funding Chair being asked about his availability. He thought it would be more efficient to change the appeal committee to include a Funding Committee member and another member of the Executive Board.

Mr. Rajan said that while the Budget Committee didn't have a quorum when they considered this, but they did have thoughts on the bill, that incorporate both points being presented. First, they agreed that not having Funding Committee representatives consider a request twice would make sense because obviously, the Funding Committee made a decision. To then be involved again in an appeal of that decision, in a decisive way, would result a dual vote. But they did think that someone from Funding had to be there to explain the other side. So they thought it might be a good idea to require the Funding Chair, or any person from the Funding Committee, to attend the appeals meeting, but to not have a vote.

Mr. Rabkin said that regarding the question of whether to pick people who could meet the quickest, that might not actually be well defined. The intent was for the Rules Chair to use their best discretion to figure out who that should be. They'd like to have Funding Committee people there. The bill would prevent tying people's hands prematurely. The Rules Committee Chair is someone the GA elects who was not normally involved in the funding procedure, a person who would have a lot of experience and was elected. The Resolution would have the process done on a case-by-case basis, rather than tying the hands of people, which might be counter-productive in particular circumstances.

Mr. Rajan asked if he would accept a friendly amendment to require that somebody from the Funding Committee be represented. Mr. Rabkin asked what he would propose. Mr. Rabkin said he would gather that the proposal of the Budget Committee members who met was to have somebody present, but not vote. That struck him as a good idea. So he would accept that amendment.

Resolution 0911b, By-law Amendment to Expedite Funding Appeals (cont'd)  
Resolution 0911c, By-law to Allow Officer Stipend Rescission

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Mr. Rabkin said they could add a sentence, "At least one member of the Funding Committee shall be present in a non-voting capacity." That would be inserted as the last sentence of the amendment language.

Mr. Kline asked if a meeting could occur without a Funding Committee member present. Mr. Rabkin said it couldn't, with the amendment. That was bad because if the Funding Committee declined to participate, the appeal wouldn't go forward.

Mr. Froehle moved to table the Resolution until the February GA meeting so people could figure out how this will happen. The motion to table was seconded.

Mr. Rabkin said the bill already went through committee review and they had three different suggestions. It wasn't clear that waiting a month would be better. It wasn't particularly pertinent, but he asked if they were going to re-refer this to committee. Mr. Daal said they wouldn't. It would go at the top of the items the GA would consider in February.

A Delegate said he thought the idea of tabling the bill until February might allow a little more one-to-one communication between the relevant parties. The rest of the Delegates who weren't as informed about this issue might be better informed by a sidebar discussion that happened between now and February. Hopefully by then, they'll have a revised Resolution that incorporates the dialogue that will occur between now and February.

THE MOTION TO TABLE RESOLUTION 0911b UNTIL OF THE FEBRUARY GA MEETING PASSED UNANIMOUSLY BY VOICE-VOTE, BY-LAW AMENDMENT TO EXPEDITE FUNDING APPEALS.

The following Resolution, 0911c, was authored by Ariel Rabkin:

#### RESOLUTION ON A BY-LAW TO ALLOW OFFICER STIPEND RESCISSION

WHEREAS, these current By-laws allow absent officers to draw pay even if not working, and offer only one remedy, termination, for a non-performance of duties;

THEREFORE BE IT RESOLVED, THAT THE Graduate Assembly By-laws be modified to add the following after section 2.3.5:

##### 2.3.6. Stipend rescission

The Executive Board may, by a two-thirds vote, suspend payment of stipends to any employee or member of the Graduate Assembly. The Delegate Assembly may override this suspension by majority vote, in which case compensation will be paid in arrears to the Officer in question.

BE IT FURTHER RESOLVED, that the Graduate Assembly By-laws be renumbered to take account of this amendment.

Resolution 0911c, By-law to Allow Officer Stipend Rescission (cont'd)

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Mr. Rabkin said that Ms. Anderson said they needed this amendment, and he agreed to write the text. The problem this intends to solve was having a member who wasn't present. The GA didn't want to pay for work that wasn't performed. The By-law just states that if someone wasn't showing up and wasn't working, the Board could suspend them. And that action could be overridden by the Delegates.

Mr. Rabkin said the Rules Committee realized there was one change that really needed to be made, which he wanted to introduce as an amendment. They want to require this to be announced to the GA. So if the Executive Board decided to stop paying an individual, it would be announced. The amendment would insert, "Notice of this must be given to the Delegate Assembly before its next meeting."

A Delegate asked if notice was of the vote's result or that a vote was pending. Mr. Rabkin said the result of the vote would be announced. "Notice of this must be given to the Delegate Assembly before the next meeting."

The motion to amend was seconded by Mr. Froehle.

A Delegate asked why, if somebody wasn't performing their duty, a rule was needed to just cut the funding and not just terminate the person. Termination would include no longer funding the person who filled the position. He asked what the goal was, and if it was to cut off funding but allow people to keep the title, blocking the position for someone who would actually perform the duties. Mr. Rabkin said there was concern about what to do in the summer when there's a long period when the Delegate Assembly

didn't meet. The procedure the GA had for removing officers was impeachment. The Rules Committee didn't want to have the Executive Board just fire one of its own members. But they would want to be able to not give someone money who wasn't there. The title could always be reclaimed, but the idea was to prevent someone who wasn't performing from cashing a check.

The motion to amend was seconded. Seeing no further discussion on the amendment, Mr. Daal said they would come to a vote. **THE MOTION TO APPROVE MR. RABKIN'S AMENDMENT PASSED UNANIMOUSLY BY VOICE-VOTE.**

Mr. Rajan said all this was in his report. He thought the Budget Committee, or him, specifically, was under the impression that in the summer, when the Assembly didn't meet that the Executive Board was the Assembly. He asked if there was a way to clean that up to actually say this had to be done by the Delegate Assembly that was present from September to May.

Mr. Rabkin said he didn't think this was ambiguous and thought the "Delegate Assembly" meant the Assembly, and not the Executive Board. Mr. Rajan said he just wanted to make sure it was clear.

Mr. Rajan asked if any thought was given to legal issues, such as contracts. Mr. Rabkin said there was. He really worried about that, and Ms. Anderson assured him that this was okay. But just because this would be allowed in the By-laws wouldn't mean they wouldn't call a lawyer first. This was intended to not have the By-laws stand in their way. It doesn't say that labor law didn't apply. They want to avoid tying their hands more than they were by contracts and labor law. He didn't know what terms of employment the GA had for officers.

Ms. Hsueh said that everyone who gets paid by the GA has a contract. Contracts for officer stipulate how many hours they had to work. People other than officers were required to turn in timesheets. Everybody

Resolution 0911c, By-law to Allow Officer Stipend Rescission (cont'd)

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Resolution 0912a, Standing Policy and Directed Action to Support Bus Rapid Transit In Berkeley

else was required to turn in timesheets. But for officers who get paid regularly, if they weren't picking up their checks, she would hold the check and ask the supervisor. She'd asked Mr. Daal, as President, if someone who wasn't picking up the check was working. And she would hold on to the check and to make sure the person wasn't coming to the office, but was still doing the work. They want to make sure they cover. People could do work off-campus by e-mail. Once they confirm with the supervisor the person wasn't working, she'd hold on to the check; and she'd need an explanation. She wouldn't release the check until somebody told her what the situation was. Officers were exempt, but it was ASUC policy to require timesheets for all other staff.

A Delegate asked if any notice was expected to be given. Mr. Rabkin said the people holding a position would be on the E-board, and the GA wouldn't want to require notice because they might not be able to reach the person. Mr. Daal said that was the case that past summer.

Mr. Daal said that seeing no further discussion, they'd move on to a vote of 0911c. **THE MOTION TO APPROVE RESOLUTION 0911c, AS AMENDED, PASSED UNANIMOUSLY BY VOICE-VOTE, RESOLUTION ON A BY-LAW TO ALLOW OFFICER STIPEND RESCISSION.**

The following Resolution, 0912a, was authored by Alberto Ortega:

RESOLUTION ON STANDING POLICY AND DIRECTED ACTION TO SUPPORT BUS RAPID TRANSIT IN BERKELEY

WHEREAS, AC Transit is currently proposing an East Bay Bus Rapid Transit (BRT) route between downtown Berkeley and San Leandro along much of the existing 1/1R route, one of the busiest transit corridors in the entire Bay Area; and

WHEREAS, the City of Berkeley staff recently released a proposed Locally Preferred Alternative for public comment and eventual City Council consideration; and

WHEREAS, the proposed BRT route would run along the border of campus along Shattuck and Bancroft/Durant before continuing down Telegraph; and

WHEREAS, the University of California, Berkeley, with over 35,000 students and 20,000 faculty and staff members, is a major constituent on the proposed BRT route; and

WHEREAS, students have repeatedly voted to approve the Class Pass, a mandatory fee which allows all students to ride free of charge on all AC Transit buses, including the existing 1/1R; and

WHEREAS, UC Berkeley's "2020 Long-Range Development Plan" calls for a transit plan in which no more than 10% of students and 50% of staff drive alone to campus and lists convenience and travel times as the most often cited reasons by faculty and staff for not taking transit or other modes of transportation, and predicts a 10% improvement in estimated drive-alone rates with the implementation of BRT along Telegraph Ave and other transit incentives; and

Res. 0912a, Standing Policy & Directed Action to Support Bus Rapid Transit In Berkeley (cont'd) - 28 -

RESOLUTION ON STANDING POLICY AND DIRECTED ACTION TO SUPPORT BUS RAPID TRANSIT IN BERKELEY (cont'd)

WHEREAS, the proposed 5-minute headways and dedicated lanes would operate more quickly and reliably than current service, which often suffers from bus bunching; and

WHEREAS, a major problem with the existing 1/1R service is the separated Bancroft/Durant and Telegraph/Dana "couplet" which makes wayfinding unnecessarily difficult. A unified station on the corner of Telegraph & Bancroft would create a better transit interface with campus and would be more convenient for students and staff; and

WHEREAS, the proposed BRT route would replace existing local service but has no stops between Kittridge and Shattuck, and Bancroft and Telegraph, the longest distance between any two proposed stops in Berkeley. Hence, the addition of a stop at Bancroft and Ellsworth merits further study;

THEREFORE BE IT RESOLVED, that the Graduate Assembly supports further study of a full-build Bus Rapid Transit in Berkeley, including the potential removal of both Bancroft/Durant and Telegraph/Dana couplets, as well as the addition of a stop at Bancroft and Ellsworth.

BE IT FINALLY RESOLVED, that the Graduate Assembly President will send a letter in support of the East Bay Bus Rapid Transit project to the City of Berkeley Planning Department.

Mr. Froehle moved to extend the meeting time by ten minutes. The motion was seconded by Mr. Ellsworth and passed with no objection.

Mr. Froehle said he'd give a brief history of Bus Rapid Transit in Berkeley and the East Bay. This is a process that was started back in 1993 when AC Transit looked at the East Bay corridor and decided that a major capital investment might be necessary for bus transit. They looked at several possible routing options, including down College and Telegraph. Of these, over the course of many years, they decided that additional capital improvement along Telegraph was probably warranted. They did a draft Environmental Impact Review a few years ago. The recommended bus line would start on Shattuck Ave. and proceed up Bancroft and Durant, then down Telegraph, continuing along the current 1/1R route, all the way to Oakland and then, eventually, to San Leandro.

The stage this was currently at was with cities taking the draft review and providing comments on it, things they would like to see changed, and things they like and didn't like. This was called "locally preferred alternatives." Right now, the City of Berkeley was in the process of developing and approving a locally preferred alternative. It will state whether the City thought having dedicated bus lines on Telegraph was a good idea or a bad idea, or to please continue to study this, or whatever.

Mr. Froehle said they're not yet at the stage of even saying this is a good idea or whether or not they like it. It's more at the stage of saying that if they were to do this project, here is what they'd like to see happen, and to please investigate the effect that would have on, say, traffic flow patterns in the area, or the effect it would have on transit service in the area, or on bus ridership. It's sort of like a wish list of what people want.

Resolution 0912a, Standing Policy and Directed Action to Support Further Study of Bus Rapid Transit in Berkeley (cont'd) - 29 -

Some Southside residents were very upset about the possible removal of traffic lanes and parking spots on Telegraph Ave. and were trying to kill this in Berkeley. The 1/1R was very important to campus and serves a lot of the campus community. Mr. Froehle said he thought it would be prudent for the GA to take a stand and state that it supports further study. The Resolution doesn't say the GA supports bus rapid transit, and all it actually says is that further study was necessary before making a decision.

Mr. Rabkin said the Resolution says that if they do this, it states the route they should use, and secondly, it says the project should be done. That was the second Resolved Clause. He asked about amending the Resolution to strike the last Resolved Clause. Mr. Froehle perhaps it would be better to change the text to be more like the previous Resolved Clause, perhaps to read, "Resolved, that the Graduate Assembly President will send a letter in support of further study of a full Bus Rapid Transit project in Berkeley, including the potential removal of both Bancroft/Durant and Telegraph/Dana couplets, as well as the addition of a stop at Bancroft and Ellsworth to the City of Berkeley Planning Department."

Mr. Rabkin suggested amending the last Resolved Clause to read as follows:

“Finally Resolved, that the Graduate Assembly President will send a letter in support of the foregoing to the City of Berkeley Planning Department.”

The motion to amend was seconded by Mr. Ellsworth. THE MOTION TO APPROVE THE AMENDMENT PASSED WITH NO OBJECTION.

A Delegate suggested amending the title of the Resolution by adding “further study of,” to have the title read, “Resolution on Standing Policy and Directed Action to Support Further Study of Bus Rapid Transit in Berkeley.”

The motion to amend was seconded by Mr. Rabkin.

A Delegate said he thought “supporting further study” was ambiguous, and supporting more study would lead to a more efficient and better Bus Rapid Transit system in Berkeley. The GA was actually supporting Bus Rapid Transit there.

Mr. Rabkin said that presumably a study would be done to find out if this was a good idea and what would make it better. A study might find it wasn't a good idea, and that money that would be allocated to this would be better used to sustain existing routes. He thought the idea was to study this rather than do it.

A Delegate said the text of the Resolution doesn't support Rapid Transit and just supports the study, and the title should reflect that.

Mr. Daal said that seeing no further discussion they would come to a vote. THE MOTION TO AMEND THE TITLE OF 0912a PASSED BY VOICE-VOTE.

Mr. Kline asked about the cost for a study, and asked about the disadvantages to doing one. Mr. Froehle said the money has already been set aside, and a portion of the route was going to be studied anyway. If Berkeley were to say it didn't want anything to do with the plan, then the study would be of a line that started in San Leandro and proceeded to the Berkeley border. The money for a study was there.

Resolution 0912a, Standing Policy and Directed Action to Support Further Study of Bus Rapid Transit in Berkeley (cont'd) - 30 -  
Resolution 0912d, Directed Action on the RFP for El Taqueria Tacontento

A Delegate asked if the letter was being written because a group was trying to prevent a study from happening. Mr. Froehle said that was correct.

Mr. Marchand said part of the motion was the addition of a stop at Bancroft and Ellsworth, to add service near campus. That's one thing they're putting forward with this motion.

Mr. Daal said that seeing no further discussion, they would move to a vote. THE MOTION TO APPROVE RESOLUTION 0912a, AS AMENDED, PASSED UNANIMOUSLY BY VOICE-VOTE, RESOLUTION ON STANDING POLICY AND DIRECTED ACTION TO SUPPORT FURTHER STUDY OF BUS RAPID TRANSIT IN BERKELEY.

Mr. Froehle said if people would like to learn more about the Bus Rapid Transit Project, there will be a meeting next Wednesday, from 6:00 to 7:00, at the North Berkeley Senior Center, at Hearst and MLK,

with public comments after 7:00. At the last such meeting, one student showed up, and it would be good to more.

Mr. Marchand moved to extend the meeting time until 7:50. The motion was seconded by Mr. Kline and passed by hand-vote 11-6-0.

The following Resolution, 0912d, was authored by Matt Marks and was sponsored by Mr. Marchand:

#### RESOLUTION ON DIRECTED ACTION ON THE RFP FOR EL TAQUERIA TACONTENTO

BE IT RESOLVED, that it is the opinion of this Board that the Store Operations Board stop any and all discussion of the RFP for El Taqueria Tacontento, and instead, enter into good faith contract negotiations with owner Arnoldo Marquez.

Mr. Marchand yielded time to Matt Marks. Mr. Marks said the Resolution asks if the GA thinks that three years of discourse that called the vendors subsidized, and called them the lowest paying tenants, after hiding a report in 2007 showing the situation was exactly the opposite, had an effect on the decision to go to RFP in the first place. And there was then a decision to offer a contract that doubled the rent of the Taqueria without any negotiations. It's whether the GA thought it was true they were the highest paying tenants, an immigrant-owned and operated business. It's been there for 20 years with absolutely no health code violations. The question was whether their current Administration was feeling empowered enough to actually break from the Auxiliary on this, after the Auxiliary violated the fire code by chaining the doors and kicking people out. Mr. Rajan said he didn't have the power to do that. Mr. Marks said he thought the Resolution would actually empower the three representatives to do something that may be seen as going against the Auxiliary. Sometimes it helped to have the support of the Assembly to do that. And it was a matter of chump change, only a little money.

Mr. Marchand moved to amend, to correct the grammar, to have the Resolution read as follows:

Resolution 0912d, Directed Action on the RFP for El Taqueria Tacontento (cont'd)

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"Resolved, that the Graduate Assembly recommends that the Store Operations Board stop any and all discussion..."

Mr. Rajan said he empathized with Mr. Marks' position, but Mr. Rajan said he couldn't support the Resolution. It was a pretty complex issue. He's been on the Board two and a half years, and it's taken at least that long for him to wrap his head around things. He thought it would take the GA more than five minutes to wrap their head around this as well. There were a lot of things that go on in there. Even if the Resolution was true, he didn't think the situation would be addressed by the Resolution. For instance, regarding the clause that called for entering into good faith contract negotiations, he really didn't think the Board had any power to guarantee that contract negotiations would be done in good faith. The GA has a fiscal agent, the ASUC Auxiliary, who was in negotiations with these vendors. These vendors, in the Bear's Lair Food Court, have been in negotiations since February of '07, when the Auxiliary started serious negotiations. He thought it was September '08 when negotiations failed and the Auxiliary came to the Board asking for authorization to go to RFP. The Board at that time had no reason to doubt what

the Auxiliary was saying, so the Board agreed to that. And the Board agreed to that with its eyes wide open. But to go back and enter into contract negotiations, they still had to ask the Auxiliary to do that. It was very hard for the Board itself to enter into the process because of the nature of the Commercial Activities Agreement. There were so many other subtleties that he couldn't bring up in the ten minutes he had. But he did want to go through a list of things he wrote down.

Mr. Rajan said he should have objected to this even being fast tracked, but he wanted it on the floor because he thought that graduate student input on this issue was very, very important. At least half the protest e-mails that go in support of the vendors have been from graduate students. But no one has ever approached him in the Delegate Assembly; and he didn't think anybody has approached Mr. Ortega or Mr. Daal about this. Mr. Rajan said he found it more important that graduate students have a very strong voice in this process; and that voice has not been used. That voice was basically through him. It was very hard to have this sort of debate in this kind of Assembly, in the span of ten minutes. But it was very easy for Delegates to meet with him one-on-one, or in any other forum. He hoped he's been accessible to express Delegates' viewpoints on this, or any of their colleagues' viewpoints, if, as Delegates, they hear about them. He just didn't want this rushed in ten minutes and thought they were jumping into this too quickly. There were lots of sides. He didn't have the same sense of urgency that Mr. Marks had. Mr. Marks was trying to do this to prevent a decision that would be taken next Tuesday. Mr. Rajan said he believed the problems were endemic, and needed to be fixed regardless. He was trying to work on those problems, but he wasn't really focused on this speed being necessary.

Mr. Rajan said he thought that Board was operating in the interests of all students. They now have revenue sharing with student government, once they get over a threshold of \$300,000. So the GA had a very strong interest in making sure that the spaces were commercially successful. The SOB believed an RFP would be the best way to increase those revenues. That would mean more money to student groups, smaller global cuts, and would mean an enormous relief on budget pressures the GA faces. There were lots of complex issues involved with this and Mr. Rajan said he welcomed grads' input. He didn't know if the Resolution would force anything and didn't want the Assembly to make a quick decision.

Mr. Rabkin said he thought it was creepy for the GA to tell campus committees what to talk about. They don't want to be in the habit of telling other committees, staff, or students not to talk about something. That's literally what the Resolution says, not to discuss something. He thought the reason they have a Store Operations Board was to discuss things, and it was creepy for the GA to want to force the SOB not to talk about this. It was the SOB's job to discuss these things.

Resolution 0912d, Directed Action on the RFP for El Taqueria Tacontento (cont'd)

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A Delegate said it was true they didn't want to order people around, but the GA, as a body or as individuals, was allowed to make recommendations. He didn't think the Resolution was particularly limiting of another body and says the GA was recommending something. They had the power to make recommendations, so he didn't think that was necessarily an issue there.

Mr. Marchand said Mr. Rajan's point was to have an RFP and take the option that brought in the most revenue for students. Some students believe Tully's is a major corporation with so much leverage, and that the current vendors were being completely unfairly treated. The question was whether there was a way the Board, even within the RFP process, could prioritize the vendors. It would be a lack of respect to the vendors. He asked if there was a way for the Board to not just go with the highest bidder.

A Delegate asked if the decision was to issue the RFP, and if so, if the Resolution was a recommendation not to issue an RFP, or if it was to start discussion of an RFP. He thought there might be a double understanding.

Mr. Rajan said he made a serious mistake, and to forestall more confusion, he would explain the timeline so the GA knew what it was deciding about. The SOB is a supposedly independent Board, or maybe not completely independent Board, taking into account various constituencies on campus. The Board decides the makeup of the commercial revenues that students control, including the Bear's Lair Food Court. The SOB deals with leases in the Food Court. Day-to-day operations are handled by the ASUC Auxiliary. The Auxiliary negotiates the leases.

In February of 2007 the Auxiliary and the Board began negotiations with the Bear's Lair tenants, who have month-to-month leases. The old Director there had left the Bear's Lair Food Court tenants on a month-to-month leases. The new Director came in and negotiations began. Negotiations broke apart in September, 2008. A lot of things happened in parallel with that, and Panda Express has been alluded to. A lot various events happened in parallel. The Tully's contract was decided upon before they even knew what the terms of the RFP were. But he'd go in order. In December of 2008, when negotiations broke down, the Board decided to go out to RFP for the spaces. As a Board, they really have no expertise in negotiating with vendors. The Board has seven students, three administrators who were very wary of using their administrative power on this Board, so as not to be seen as bullying students, and two faculty members.

Mr. Ellsworth moved to extend meeting time by five minutes. The motion was seconded and passed by hand-vote 13-6-0.

Mr. Rajan said that in December, 2008, when they went out to RFP, they were asked to directly negotiate with the vendors. The Board had no idea what to do. Negotiations broke down, and the Board thought the easiest and fairest thing to do was to go out to RFP and figure out what the spaces were actually worth. The Board's agent couldn't come to an agreement with the vendors for various reasons. But those weren't really particular to this decision. In April, 2009, the vendors came back to them and said they understood the fiscal situation at hand, were willing to pay more rent, and would accept whatever terms the Board provided. The Board then spent two months agonizing about how to figure out the correct terms. Eventually, the Board took what one of the three vendors paid, increased the base rent by 10%, passed through all the utilities, maintenance costs, and Administrative Full Costing the University charges. The Board didn't think students should pay that. So the Board offered that vendor a new lease. This lease, because of various reasons, was obviously much more expensive, because janitorial costs,

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AFC, those pass-throughs, have gone up. The base rent was equalized across the across the three tenants, who previously didn't have the same rent. They're equalized to about one tenant plus about 10%. That was the main metric used to determine how to come up with the lease numbers.

Mr. Rajan said that management provided a lot of information that was material to this decision, but wasn't necessarily the prime driver of the decision. Once the Board decided on the terms, they were presented to the tenants. The tenants had two more months to think about it. They were supposed to go to a subcommittee that was designated with negotiating these terms. They bypassed that subcommittee, perhaps knowingly or unknowingly, and brought it to the entire Store Operations Board in July, which just didn't have the bandwidth to deal with it. One member of the subcommittee was graduating, the other

member was retiring. The SOB was forced to make a decision and decided to reject the terms of the counteroffer and just present the terms as they were, one vendor plus 10%, the vendor who was paying the highest rent.

Mr. Marks said contract negotiations never broke down. Tully's pays \$3,000 a month; Mr. Marquez pays \$4,500. Maybe they should have been gone to RFP for Tully's. Mr. Rajan said that was fair, but it was immaterial to this particular Resolution.

Mr. Rajan said the SOB rejected the terms. The three vendors were given a deadline, in August or September. Two vendors accepted, and one of them, the Taqueria, applied for an extension. One vendor rejected the offer, and that space was sent out to RFP.

The Board now had to make a decision about the vendor who originally accepted and asked for an extension. The deadline has far passed. The decision was whether that space will be included in the RFP. The Board told the vendors that if the terms weren't accepted by a deadline, their space would go out to RFP. In the interests of fairness, the Board would imagine that this vendor's space would have automatically gone out to RFP. But it was somewhat nebulous because a strong, firm, decision has not been made by the SOB just yet. But the default option would be to go out to RFP.

Mr. Daal said time had expired. Mr. Marchand moved to extend time by two minutes. The motion was seconded.

A Delegate said he didn't want to extend time because he didn't think they've heard enough information about the topic in order to reach a vote.

A Delegate said he still hadn't heard what was going on next Tuesday.

A motion to extend speaking time passed by hand-vote 9-8-0.

Mr. Marks said that on Tuesday the Board will vote on whether to go to RFP or to enter into contract negotiations.

A Delegate said the GA would have to amend this to recommend that they not issue an RFP rather than stop discussion. This would recommend a decision on the vote rather than recommendation on how to discuss this.

Mr. Daal said that once again they were out of time. If there was no motion to extend time, the meeting would adjourn.

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Mr. Rabkin moved to extend time by 45 minutes, since that was the amount of time it would take for this. The motion was seconded and failed by hand-vote.

Mr. Daal said that if there were no other motions, they would adjourn at that time. He said the Resolution would be the second Resolution the GA will consider in February.

This meeting, concluding the Fall Semester, adjourned at 7:58 p.m.

These minutes respectfully submitted by,

Steven I. Litwak  
Recording Secretary

The following Resolution, 0911c, was approved by the GA as amended to read as follows:

Resolution on a By-law to Allow Officer Stipend Rescission

Whereas, these current By-laws allow absent officers to draw pay even if not working, and offer only one remedy, termination, for a non-performance of duties;

Therefore Be It Resolved, that the Graduate Assembly By-laws be modified to add the following after section 2.3.5:

2.3.6. Stipend rescission

The Executive Board may, by a two-thirds vote, suspend payment of stipends to any employee or member of the Graduate Assembly. Notice of this must be given to the Delegate Assembly before its next meeting. The Delegate Assembly may override this suspension by majority vote, in which case compensation will be paid in arrears to the Officer in question.

BE IT FURTHER RESOLVED, that the Graduate Assembly By-laws be renumbered to take account of this amendment.

The following Resolution, 0912a, was approved by the GA as amended to read as follows:

Resolution on Standing Policy and Directed Action to Support Further Study of Bus Rapid Transit in Berkeley

Whereas, AC Transit is currently proposing an East Bay Bus Rapid Transit (BRT) route between downtown Berkeley and San Leandro along much of the existing I/IR route, one of the busiest transit corridors in the entire Bay Area; and

Whereas, the City of Berkeley staff recently released a proposed Locally Preferred Alternative for public comment and eventual City Council consideration; and

Whereas, the proposed BRT route would run along the border of campus along Shattuck and Bancroft/Durant before continuing down Telegraph; and

Whereas, the University of California, Berkeley, with over 35,000 students and 20,000 faculty and staff members, is a major constituent on the proposed BRT route; and

Whereas, students have repeatedly voted to approve the Class Pass, a mandatory fee which allows all students to ride free of charge on all AC Transit buses, including the existing I/IR; and

Whereas, UC Berkeley's "2020 Long-Range Development Plan" calls for a transit plan in which no more than 10% of students and 50% of staff drive alone to campus and lists convenience and travel times as the most often cited reasons by faculty and staff for not taking transit or other modes of

transportation, and predicts a 10% improvement in estimated drive-alone rates with the implementation of BRT along Telegraph Ave and other transit incentives; and

Whereas, the proposed 5-minute headways and dedicated lanes would operate more quickly and reliably than current service, which often suffers from bus bunching; and

Whereas, a major problem with the existing 1/1R service is the separated Bancroft/Durant and Telegraph/Dana “couplet” which makes wayfinding unnecessarily difficult. A unified station on the corner of Telegraph & Bancroft would create a better transit interface with campus and would be more convenient for students and staff; and

Whereas, the proposed BRT route would replace existing local service but has no stops between Kittridge and Shattuck, and Bancroft and Telegraph, the longest distance between any two proposed stops in Berkeley. Hence, the addition of a stop at Bancroft and Ellsworth merits further study;

Therefore Be It Resolved, that the Graduate Assembly supports further study of a full-build Bus Rapid Transit in Berkeley, including the potential removal of both Bancroft/Durant and Telegraph/Dana couplets, as well as the addition of a stop at Bancroft and Ellsworth.

Be It Finally Resolved, that the Graduate Assembly President will send a letter in support of the foregoing to the City of Berkeley Planning Department.