

## GRADUATE ASSEMBLY MEETING

May 6, 2004

### SUMMARY OF THE MEETING

- [This meeting concluded the Spring Semester.](#)
- [Heard announcements, thank-yous, and good-byes.](#)
- [Held elections for 2004-5. Elected the following:](#)
  - Rishi Sharma, President
  - Rob Schechtman, Academic Affairs VP
  - Claudia Medina, External Affairs VP
  - Trevor Lanting, Chair, Funding Committee
  - David Garcia, Chair, Finance Committee
  - Kristen Gray, Chair, Organization and Rules Committee
  - Graduate Council representatives: Lola Odusanya, Jay Stagi, Romi Sanyal, and Cintya Molina (alternate)
  - Judicial Committee members Peter Gerrades (Chair), Charles Amon, Josh Fisher, Hana Franklin, and Catherine Maxwell
  - Sunny Lu, 2004-6 at-large GA representative, Store Operations Board
- [Reconfirmed staff for 2004-5, per the By-laws.](#)
- [Approved the report and recommendations of the Funding Committee for Round 8 of Graduate Events allocations.](#)
- [Approved the Resolution to Protect Graduate Students' Intellectual Property at UC Berkeley.](#)
- [Approved the report from the Executive Board.](#)
- [Approved, as amended, the report from the Finance Committee.](#)
- [Approved the Resolution to Renew the Committee on Graduate Student Autonomy \(Autonomy Committee\).](#)
- [Approved the Resolution Protesting Proposed Changes to the Code Of Student Conduct.](#)
- [Approved, as amended, the Resolution to Promote Graduate Student Interests In LRDP Comments.](#)
- [Approved the Resolution in Support of Tenure, Transparency and Learning in the Review of Ignacio Chapela.](#)
- [Approved the Resolution to Support Legal Rights Of Students.](#)

- [Approved the Resolution to Request Recognition of the Graduate Assembly From The Berkeley Division of the Academic Senate.](#)
- [Approved the Resolution for Senior Administrative Efficiency.](#)
- [Approved the Resolution to Call For UC to Waive Out-of-State Tuition for International Ph.D. Students After Their First Year.](#)
- [Resolution in Support of a Simple, Open Student Activity Fee Policy that Preserves Students' Rights.](#)
- [Heard a presentation by Prof. Ignacio Chapela](#)

This regular meeting of the Graduate Assembly, concluding Spring Semester, was called to order by Jessica Quindel at 5:37 p.m. in the ASUC Senate Chamber. Ms. Quindel said this was the last meeting of the year and she wanted to thank everybody for coming out. She would apologize for the glitches with the Web site and for not having material out in advance. She hoped people had a chance to read through the packet. If people feel they don't want to vote on anything because they haven't read the packet, they should let her know.

#### APPROVAL OF THE AGENDA

Ms. Quindel called for any objection to the agenda. Mr. Stagi asked at what point people should add their names as nominees in the elections. Ms. Quindel said they should do that during the elections. A motion to approve the agenda was made and seconded. THE MOTION TO APPROVE THE AGENDA PASSED WITH NO OBJECTION.

#### APPROVAL OF THE MINUTES

Ms. Quindel asked if people had a chance to read the April meeting minutes. A motion to approve was made and seconded. THE MOTION TO APPROVE THE MINUTES FROM THE APRIL 1, 2004 MEETING PASSED WITH NO OBJECTION.

#### ANNOUNCEMENTS

Ms. Quindel said she would like to take the first announcement and say "thank you" to the GA for allowing her to serve them for the past two years. She's

really enjoyed it and has learned a lot. Whatever position she goes to next, she will take the lessons she's learned there. So she wanted to thank them for this amazing opportunity they granted her. Secondly, Ms. Quindel said that even though she was leaving, she wanted to stress the importance of people staying involved, and getting people in their departments involved. She knew Delegates may have copies GA posters and information, but it wouldn't hurt to take extras, so people know what the GA was doing. And she would ask if they can make sure their departments are represented next year, whether it's them or somebody else. And if they have a friend in another department, she would ask them to make sure they are represented, because the GA was as strong as its membership. They did better that year, and they can do better than that.

Ms. Williams said she would like to thank Ms. Quindel. (Applause).

A Delegate said that as a result of the Resolution that was passed last year about UC affiliation with the Department of Energy National Labs, an educational forum was held on April 21. There is a Webcast people could access, and the address was listed in the Academic Affairs section of the packet. People could also access the Webcast at [berkeley.edu](http://berkeley.edu), under "events."

Ms. Davis said that Tiffany Crawford, the GA Events Coordinator, couldn't be there, and is starting to plan the New Grad Student Orientation for new people next year. There will be a planning committee, and Delegates can have input and be involved in the creation of the event. There was a sign-up sheet if people were interested and Ms. Crawford would get in touch with them.

Ms. Davis said that on a personal note, after three years, she was graduating. She wanted to say "thank you" to Delegates for forwarding her e-mails to their friends about her workshops, and she wished them well. Ms. Quindel said she would like to thank Ms. Davis. (Applause)

Ms. Quindel said there will be planning meetings throughout the summer on the New Grad Student Orientation. It would be great if even two Delegates were involved in shaping that event for new grads.

Ms. Quindel said she had an announcement from the Grad Social Club. The Club wanted to make sure to call their attention to the closing letter they wrote. There was also, unfortunately for people at the meeting, a social happening that evening. The Social Club wanted to call Delegates' attention to all the Club has done this year. Steve Sinha and Carolyn White were really

grateful to have been Chairs. Mr. Sinha and Ms. White have been Chairs of the Grad Social Club for two years, and both were really grateful for that.

### General Announcements

Ms. Dugas said descriptions of GA positions that were open were available in the back. Some people were leaving, and the Coordinator positions for the Grad Support Services Project and the Graduate Women's Project Coordinator were open. The openings were posted on the Web if people were interested. If any grads would like to do project coordination they should apply. There will be other positions opening up as well, and they'd get those announcements out.

Ms. Dugas said most of what was in her report was "thank you's," and she wanted to take a few moments to acknowledge some key people who were there, as well as some who weren't present, as these people really make the GA work. Shayla Moore, the GA Funding Coordinator, is a new person in a newly created position that was very challenging. And Ms. Moore came at a time when the GA was adding more funding to student groups and getting more groups. Ms. Quindel said she wanted to say "thank you" to Ms. Moore. Ms. Dugas said her entire staff was graduating. They've been with her for three years. Jasmin Sanders, Anqoinette Boyles, and Shannon Verrett, they really done a lot to maintain the Business Office and were just undergrads. She wanted to thank them.

Ms. Dugas said she also wanted to thank the Funding Committee Chairs, Carmel Levitan and Iyko Day, who have been excellent in trying to work with GA to make sure the GA serves Delegates better, and have given some excellent advice. She would also like to thank the Project Coordinators, Tiffany Crawford, Kofi-Charu Nat Turner, Wendy Davis, Will Bertche, and Seung Kim. The Coordinator of the Empowering Women of Color Conference was, having been the GA for three years, was one of the Project Coordinators, and has done excellent work. They started a survey to see what people wanted and pretty much implemented the programs that grads wanted. So if people see her, they should stop and thank her and give her a round of applause. Also, the GA just had to give kudos to Chris Cantor. It's a lot of work to put something together like the Delegates' meeting. (Applause)

And to the entire Executive team, Ms. Dugas said she didn't know of anybody who has worked as they have, and who get paid what they do, for more than 40

hours of work a week. Many times she's seen them in Anthony Hall late at night, and around the clock. She just wanted to say "thank you" to them. For the Finance Committee, since 1996, she believed, it's been operating off and on, and she thought Mr. Sharma and his team, with Fumi, Erik, David, Marlon, and Dwayne, made it fun and made the budget process inclusive. It was really good having a Finance Committee. And then, to the people who do all the little stuff that Delegates never see, to Kamilah, Mandy, Henry, and LaSaunda, she wanted to take the time to say "thank you," to the entire staff. They've done an excellent job holding up the GA.

Ms. Williams said she would like to thank Ms. Dugas.

### GA ELECTIONS

Ms. Quindel said that for the elections, they'd go position by position, so if someone runs for President and doesn't win, they can run for the Vice President of Academic Affairs, for instance. People, therefore, don't have to only run for a specific position. Once one is elected, they can't run for a different position. They'll consider the positions in order of President, Academic Affairs VP, External Affairs VP, the Funding Committee, the Finance Committee Chair, the Grad Council representatives, and the Judicial Committee. Each candidate will have one minute maximum to explain their candidacy and why people should vote for them, and their experience, and then there will be an opportunity to ask questions. She would ask people to keep their questions as brief as possible. After questions, candidates will be asked to step outside for a discussion that would be off the record, to be followed by a vote. If only one person runs for a position, they can be flexible and wouldn't need paper ballots. Or if people would like to vote by paper ballots at any time, they could do that. Delegates need to let her know what needs to happen. She asked if there were any questions or anything else she could mention to help people understand the process.

Ms. Quindel called for any candidates for GA President.

Rishi Sharma introduced himself and said he was a Delegate from the Law School. He's a second-year Law student. He was also an undergrad at Berkeley, so he's been around for a while. To the extent that he had a platform, it had to do with two features, which he talks about in his statement in the agenda packet. The first was, for lack of a better term, organizational integrity,

or keeping the organization strong and continuing to do what they do well. He would like to build on their successes, such as the Faculty Mentoring Award, which was a wonderful success, and in turn, understand their failures and what went wrong, and consider what could be done next year to make sure those failures aren't repeated. They'll continue to build strong programs. The second part of his platform is what he calls direct advocacy. Having been a student there, and having been a very big advocate of public higher education, he firmly felt that their education as grads, and higher education generally, was under attack in California. They need to make a stand, and make it now. If they don't, the success of this institution would go away. Those were the two things he was running on.

Ms. Quindel called for any questions for the candidate. A Delegate asked if he supported grad autonomy. Mr. Sharma said he couldn't imagine running for this position and not supporting grad autonomy.

Mr. Bailey said that the term "diversity" gets thrown around a lot. He asked what diversity meant to Mr. Sharma and what specific things he was interested in pursuing to make sure they have diversity there. Mr. Sharma said he found "diversity" to be a very hard term to define because, sadly, it gets misappropriated, and people end up thinking it just means one thing. So people might think it means having one woman of color, or having one person from whatever group, and thinking that's diversity. But he didn't think that's what diversity is. In terms of the University, he thought diversity was the University representing the needs of California, and serving those needs. That means having voices there, faces there, and having spirits there, that reflect the broad nature of the communities that make up California. And that exists in terms of ethnic, racial, and economic lines, and having all that intersect. He thought diversity was a part of that. Something they deal with at the Law School is the notion of ethnic diversity. He's South Asian, and traditionally, South Asians are economically well off. But his parents didn't come there well off, and came to this country as farm workers. When he talks about diversity, that's the kind of dimensional diversity he wanted, so that when Cal speaks, it speaks with an animated spirit that speaks for all California.

Mr. Stagi said he liked Mr. Sharma's platform and what he read, but in considering him as a candidate, he had to consider what's happened at Delegate meetings in the past. To the degree that Mr. Sharma knows Robert's Rules, he asked if Mr. Sharma would use that for good or to tie things up. He thought people knew what he was referring to. Ms. Quindel said that before he answers, she believed the chair had the least power in Robert's Rules. Mr.

Sharma said he was a pretty pushy Delegate, and that was because he there are things that he felt were important. At the same time, he thought there's a difference between being a member, a constituent in a body, and pursuing personal goals as a constituent, and being a leader in a body, and recognizing that as a leader, one's job is to facilitate collective goals rather than individual goals. People on the Finance Committee can speak to this, and the Committee worked on principles of consensus. In his leadership role, he felt very strongly that if they are to move forward, they had to be on the same page. The Finance Committee doesn't work under Robert's Rules because their work is done much more easily using the consensus model. That wasn't to say that Robert's Rules wouldn't be used, because it had to be used in an organization the size of the GA. But the chair's job wasn't to use Robert's Rules for good or evil. It was the job of the chair to stop people from using Robert's for evil, and knowing Robert's, he thought he could do that.

Ms. Quindel called for any other questions, and seeing none, asked the candidate to step outside for a discussion and a vote. A discussion was held off the record. A motion to approve the nomination was made and seconded. THE MOTION TO APPROVE RISHI SHARMA AS THE 2004-2005 GA PRESIDENT PASSED WITH NO OBJECTION.

Ms. Quindel said the next election was for the Academic Affairs Vice President. There was one candidate. Mr. Daal asked if nominations could be made at that time. Ms. Quindel said they could be. She called for any other nominations.

Rob Schechtman introduced himself and said he was a second-year Ph.D. in the German Department, so he'd guess he was the representative of the humanities there. He's been in the GA that year working on the Advocacy Committee, among other committees. As they probably know, the Academic Affairs Vice President is the position that really coordinates the GA's representation and outreach to the University and to various University organizations and committees, and really enables the GA to have a voice. When the new Chancellor and new Administration come in, it's very important that the GA continue to take a very active stance, particular addressing access and diversity on this campus, both of which were very much under threat. He would bring to this position his previous experience in student government, and, in particular, years as a technical consultant, where he tried to listen, foster debate, build consensus, and come away with specific actionable steps. He thought they

were only as effective as the actions that they take. Ms. Quindel called for any questions.

Mr. Stagi asked what follow-up he had in mind with the Faculty Mentor Awards. Mr. Schechtman said that was an excellent example of that kind of activism, successfully taking an idea to implementation, something that really defined a need from the grad student body, and making it a reality. He was at the ceremony that attracted a very impressive crowd, probably more than any of them expected. It had a noticeable impact and was an example of the type of small but very effective steps they can take within the University to address their needs as a student body.

Ms. Molina said she thought the Academic Affairs VP was one of the most challenging positions in the GA because of its responsibility to appoint diverse people to Committees, from Academic Freedom to Diversity. She asked if he had criteria for those committees, considering they involve such wide expertise, and how he would create surcharge circumstances. Mr. Schechtman said he thought that had to be done in conjunction with the current Executive Board, but also in conjunction with members, faculty, and with administrative committees, meeting with people and with the Delegate body. That will be a challenge partly because so many Delegates will be changing. But he saw it as a facilitating role, not appointing people, but looking for people who were interested in serving in various areas. He had to communicate what opportunities are available and solicit people and encourage them to apply.

A Delegate asked for an area or two that he thought the student voice wasn't being heard. Mr. Schechtman said one specific example they've been working on in the Advocacy Committee is around affordable housing. The Graduate Dean has been a great ally in issue area, and has spoken out on affordable housing for quite some time, and the GA has met with her on that. They also sent around an e-mail survey and got 38 pages of feedback to share with the Dean. The Committee stated where grad fees were being increased and the senior administration went into action on behalf of grads in a way he has rarely seen them do. Rents in University Village were doubled, with the demolition of units A and B, and there's been talk that absolutely no action would be taken, not even legal action from the University in terms of environmental and social impacts. That's an example of an area where he thought they need to press the University, particularly with the Long-Range Development Plan being proposed at that time, to concretely define the definition of affordable housing and what that was concretely, and to define how they will achieve that over the next ten years.

Ms. Quindel called for any other questions and seeing none asked the candidate to step outside for a discussion and a vote. A discussion was held off the record and votes were cast.

Ms. Quindel said the next position was for the External Affairs Vice President. There was one candidate, and she called for any others.

Claudia Medina introduced herself and said she was the current Legislative Liaison, so she was part of the External Affairs team. She's been active those past few months with the UCSA, and if elected, would now be a voting member. The UCSA works collectively with other UC campuses on things that affect the quality of their education that develop outside the campus. For example, a big thing that year was the budget. They want to continue working on that, and to not only work with other UCs, but to branch out to SCs and other schools. There are a lot of students and they can be a powerful force if they work together. But there hasn't been much of that happening. She wanted to be committed to that and to get more grads involved in external affairs issues. They all have time constraints, but they can make a little room to get involved in this way. As a leader, she'd be a voting member in the UCSA. Since she would be representing all Berkeley grads, she wanted to make sure she took everybody's needs into consideration. So she would always make sure she reported to the GA and listened to people's concerns, to bring those back to the UCSA. Ms. Quindel called for any questions.

A Delegate asked what besides the UCSA this position coordinates. Ms. Medina said some issues grad students have expressed an interest in include fee hikes for grads and professional students, student and faculty diversity, and accessibility. The UCSA as a congress where they work out an Action Agenda in which they all have input, and see what comes out of that. She didn't know what the Action Agenda will involve until August. Ms. Quindel said the sole job of this position, according to the By-laws, is to be the GA's representative to the UCSA and to work on issues on a Statewide basis. This position also sits on the Executive Board. She called for any other questions, and seeing none, asked the candidate to step outside. A discussion was held off the record and votes were cast.

Mr. Cantor announced that Mr. Sharma was elected as GA President and Mr. Schechtman was elected Academic Affairs Vice President. (Applause) Ms.

Quindel said that Ms. Medina was elected External Affairs Vice President.  
(Applause)

Ms. Quindel said the next position up for election was the Funding Committee chair. Mr. Daal nominated Trevor Lanting. Mr. Bailey nominated Zoe Franklin.

Trevor Lanting introduced himself and said he's a fourth-year Physics grad, and has been an active Delegate in the GA for three years. He's been an active member of the Funding Committee for a full year and was really familiar with the mechanics of processing the applications every funding round. He wanted to run for the position of Funding Committee chair because he thought the GA, by giving money to grads, plays a really powerful role in the lives of the average grad student. To him personally, he thought that was one of the primary roles of the GA. So he'd be excited to be chair of the Funding Committee. He had some ideas on making the process go smoother and making sure groups are funded regularly. The GA was in the fortunate position of having a lot of allocation requests every funding round, from a huge diversity of student groups that request funding. The GA can't fund them to the level Delegates would like, and he would work to make sure groups are funded to the maximum level possible.

Zoe Franklin introduced herself and said she was new to the GA and was an alternate Delegate. She would make sure the criteria for grants applications would be clear and fair to all groups, and would make sure that groups are aware of the criteria. She would do outreach to groups so they're aware of funding opportunities and so their application process runs as smoothly as possible. She understood that she was new, but also knew the work involved, and understood it will take a considerable amount of work. She was willing to do that, and commit to that, so applications are carefully considered. As a mother, she knew what it meant to be responsible and to hang in there, and make sure things get done. She also had a background in management, and as they knew from their mothers, they're really good at managing things. Ms. Quindel called for any questions for either or both candidates.

A Delegate asked both candidates about their motivation for running. Ms. Franklin said she wanted to make sure that the process was done equitably. Sometimes certain groups might get a grant, while a whole block of people might not get a grant because people didn't apply, and so the people therefore didn't get the opportunity. She wanted to make sure everybody who

applies had the same, equal opportunity to receive a grant. Mr. Lanting said his major motivation was that he was excited to see the diversity of student groups that apply for money, and he wanted to make sure that every group that actually applies has an application that meets all the rules and was applying in the right area, and gets funded to the maximum amount the GA was able to fund it. He agreed that sometimes that year they had many requests for funding that they weren't able to fulfill at 100%. Anybody involved in a group knows that, but with the rules the GA has available, he thought they have been as fair as possible in following the rules currently in place. They fund groups based on the merits of groups' applications, and by following the rules that are laid out. He would maintain that and possibly make the rules clearer, so if groups have a problem with the Committee's decision, there's a process whereby they can appeal, whether they're denied funding or not funded at the whole level.

Mr. Daal asked if Mr. Lanting he would strive to make the allocation of funding equitable, if elected. Mr. Lanting said he would. Mr. Daal asked if he could elaborate on the rules that he mentioned, some of which make it difficult to spread out the money. Mr. Lanting said that he saw rules making it difficult to receive funding mostly in grants. The GA has four grants: Educational Improvement, Diversity, Community Service, and Activism. There are guidelines as to what grant one can apply, but they're fairly hazy, and one can really interpret applications falling under different grants. So he thought it was important to cement those rules so they're clearer, if for no other reason than to make the Funding Committee's job easier, generally, and they could spend under eight hours processing applications.

Mr. Bailey said he had a question for both candidates. What thought they were currently in perilous times, and would be in that situation in subsequent years, in terms of diversity and the campus environment. Everybody knows about the limited number of students of color accepted in the freshman class, and even the more miniscule amount of diversity of underrepresented groups on campus. Clearly, this position has a capacity, in terms of funding within the rules, to work on creating a more diverse, and creative environment on campus in terms of groups and how they're funded. Mr. Lanting said that once a semester one can apply for a Diversity Grant. The Funding Committee gets applications for these grants that far exceed the money available. Probably the best way to help these groups out who are actually trying to increase diversity is to put more money into the Diversity Grant, and either take money away from other areas of student groups or just lobby the Finance Committee and the Executive Board to make sure money is available to these groups when they want it. These include groups that are very active about planning events and

doing recruiting for new students. Unfortunately, the Committee can't fund each at the level they request. Ms. Franklin said she would make the extra effort to go to those groups that are considered on the fringe, and make sure they're aware of the opportunities available to them.

Ms. Hwa said she wasn't sure how many hours it requires, but hopefully meetings won't be like they were that previous year. But this position was a bit of a time commitment, in running meetings and making sure the job gets done, as well as going to go to Executive Board meetings. It was a lot of work, and she wanted to make sure that has been considered. Ms. Franklin said she thought that was where time management came in, and having a good grasp of being a time manager. In that sense, she would be efficient and it wouldn't be a problem. Mr. Lanting said he would agree. Being a Delegate on the Funding Committee is a huge time commitment, because there are several funding rounds each semester. The meetings to process applications was five to eight hours long. He was able to go to every Funding Committee meeting that year, and thought that the additional time burden of going to Executive Board meetings wouldn't be a burden to him, compared to the time he had, and time he was willing to sink into the Funding Committee.

A Delegate said Ms. Franklin she mentioned that she would reach out to "fringe" groups, and asked what she meant by that, and if she meant that in terms of ideas or make-up. Secondly, it was mentioned that she'd go out, look for, and reach out to groups on the fringe. He asked what criteria she would use to decide which groups to spend more time on to inform them about how to get money. Ms. Franklin said she would know which groups have not had the opportunity to apply for grants because she'd do community outreach to find out which groups were and were not aware of those criteria. That's how she'd find out about them. As to what she meant by "fringe groups," those are groups that have not always had the opportunity to receive those types of grants, or did not have prior knowledge about them. She didn't necessarily mean they were on the fringe ideologically, and they shouldn't discriminate if groups have a different ideology. The Delegate asked if she could give specific examples of those groups that are less aware, and asked what groups they haven't targeted. Ms. Franklin said that unfortunately, she didn't have that information.

A Delegate said he had a question for both candidates, and asked if they would prefer to fund more groups for little amounts, given the GA's limited resources, or give bigger grants to fewer groups. Ms. Franklin said that if a small amount of money would not be of great assistance to a group, she would rather give other groups larger amounts of money, rather than giving groups what she'd

call "chump change," which wouldn't help. Mr. Lanting said he thought their policy in the past has been to split the funding equally among each group that fully meets the rules for each grant. One reason is that a large percentage of groups depend on the GA for almost 100% if not 100%, of their funding. If they had to cut a group in any semester or funding round, that group might dissolve. So it's more important to encourage the growth of groups, even if they can't fund them at the maximum level, and he'd like to spread the money around as much as possible, providing a group has an application that fits the rules.

Mr. Bailey asked Ms. Franklin if it was correct that she'd have a read on underrepresented groups and the environment at Berkeley, in terms of ethnically or culturally underrepresented groups, based on her experience in other organizations, giving her a way to track who has been funded in the past and who has not, and if that could give her an opportunity to determine what would constitute "the fringe" in the funding process. Ms. Franklin said that was correct.

Ms. Quindel called for any other questions for the candidates and asked them to step outside for a discussion off the record and a vote. A discussion was held off the record and votes were cast.

Ms. Quindel said the next position up for election was the Finance Committee Chair. She called for any nominations. David Garcia introduced himself and said he was running for Finance Committee Chair. He wanted to maintain fair, objective, and fiscally responsible budgets that represent the will of the Delegates. Maintaining the budget really requires the guidance of experienced Delegates. He was a current member of the Finance Committee and took part in establishing next year's budget. So he had that experience. The Fi-Comm Chair is also a member of the Executive Board, and that participation ensures fiscal responsibility. Of all the members of the Executive Board, the Finance Committee Chair has the most intimate knowledge of the budget and should be prepared to help cultivate the Executive Board to plan and coordinate within their fiscal means. He would encourage Delegates to ask him questions because the Fi-Comm Chair is the one who controls the money, and that's really what the debate just had was about.

Ms. Quindel said she had the results of the previous election, and Mr. Lanting was the Funding Committee Chair. She would like to congratulate him.  
(Applause)

Ms. Quindel called for any other nominations for the Finance Committee chair. With Ms. Madon chairing the meeting, she called for any questions for Mr. Garcia.

Mr. Bailey said he was interested in Mr. Garcia's priorities and how he would negotiate through the politics of the Committee, of which Mr. Bailey said he was a member, so that a balance was struck between his own priorities and the priorities of others. Ms. Madon said they would limit questions and responses to 30 seconds each, for a total of five minutes. Mr. Garcia said he saw the chair's role within the Committee as simply being there to facilitate everybody else's discourse. He felt other Delegates on the Committee were really the people who bring the will of the Delegates to the Committee, and the Finance Committee chair should really try to remain as objective as possible when it comes to formulating the budget. That said, he felt that outreach, diversity, equal access, and education are things he personally holds important, and he'd feel his role on the Executive Board would be to get those opinions out, and maybe reflected through policy set by the Executive Board to the Finance Committee. That was how his ideas would be implemented. But in the actual Committee itself, once the he was there, his opinions would go out the window, and all he had to work with is what the Executive Board gave him and what the Delegates on the Committee felt.

With Ms. Quindel chairing the meeting, Ms. Madon said she had a conversation with Andrew Szeri, the Chair of the Graduate Council and a professor in Mechanical Engineering, and he told her he was a little disappointed the GA didn't do more for student groups, and would like to see student groups funded more so grads could build academic and social networks within their departments. She asked Mr. Garcia what he would do as chair of the Finance Committee to consider those recommendations, and to consider implementing increased funding for grads. Mr. Garcia said that student group funding was also one of his highest priorities, and has always been a high priority of the Finance Committee that year. In the budget the GA approved last month, they kept student group funding and slashed the Executive Board \$20,000 in their first iteration. That demonstrates his commitment to student group funding. As far as what he personally would do, he felt the best way to go about increasing student group funding was to just take every spare dime they have that isn't allocated to a needed purpose and put that towards student groups. If they have to spend so much money to be members of the UCSA, they'll take the last \$1,000 and spend it there, but every penny beyond that should be given right back to student groups.

Ms. Quindel asked the candidate to step outside for a discussion and a vote. A discussion was held off the record. Ms. Quindel asked if there was any objection to a blind vote, and seeing none, asked people to close their eyes and vote. She said Mr. Garcia was elected the new Finance Committee Chair.

Ms. Quindel said the next position was for the chair of the Organization and Rules Committee. She asked if there were any nominees. Kristen Gray said she spoke to the GA last month about the position. She would like to continue to act as the Organization and Rules Committee Chair, and to continue to work with the Committee to draft a constitution and by-laws that summer. She hoped that the Committee will have a constitution to propose for consideration of the Delegates by September. Those were her immediate goals. She intended for the Committee to particularly focus on clarifying the roles of various positions and to create greater transparency in the way they carry out procedures. Another key concern is to have the constitution and by-laws they create meet the approval of the Chancellor and the UC Regents, because otherwise the GA wouldn't exist; and she really wanted them to exist as an autonomous body. That was her driving concern, as an Alternate Delegate and as Chair of the Organization and Rules Committee. She would like feedback from everyone who was in any way impacted by the GA Constitution. So she would like to take this opportunity to ask Delegates to write to her, if she happened to be elected Chair, with their comments and concerns, or to write to whoever is the new chair, in drafting a new constitution. Ms. Quindel called for any questions.

Mr. Garcia asked about her priorities in clarifying the role of the Funding Committee and the Finance Committee within the GA. As she knew, there was an incident earlier about exactly who could bring Resolutions to the floor of the Assembly that allocate funds. There was a question about that, and they felt that it was kind of unclear. In the end, the Executive Board made the right decision to strike down that Resolution. He asked what she thought about that, and how she would go about clarifying that. Ms. Gray said that obviously she personally couldn't enact language, and the Committee as a whole would have to come to agreement. She personally would like to receive feedback from anyone concerned with the issue. She particularly wanted to go to the Finance and Funding Committees and ask for their opinions on where more clarity was needed. Having those concerns, she thought they could then formulate the appropriate language that addresses those issues. So her main concern was

knowing where the problems lie and what the problems are so they can fix them.

Mr. Lanting said that as anybody who has ever applied for money from grants or events knows, different rules apply, and where to apply and what to do can be a little daunting. One thing he wanted to do was to clear that up so everybody knows, going in, when they try to get funding, what they have to do and what steps to follow. He asked if she would make it a priority to work with the Funding Committee to clear that up and make the whole funding process more transparent. Ms. Gray said she completely agreed, and once they have a constitution she'd like to create guidelines for groups seeking funding, so even what to do and with the help of the Funding Committee, to have actual good advice that was constitutionally grounded for groups to know what to do.

A Delegate said that it sounded like in the past there have been communication problems with Organization and Rules, and asked what Ms. Gray would do differently. Ms. Gray asked if the question referred to communication within the Committee or outside communication. The Delegate said she wasn't sure, and it sounded like it was more internal, but external as well. She asked about Ms. Gray's experience working with groups and mediating conflicts like that. Ms. Gray said she's worked with groups in the past, and at her undergrad university, as the head of a gay and lesbian organization there. And in that role she mediated conflict. She hasn't been a member of student government in the past and couldn't speak to any communication problems that existed in the Organization and Rules Committee before April, because she wasn't involved in the Committee before then.

Ms. Quindel called for any other questions and asked the candidate to step outside. A discussion was held off the record. Ms. Quindel said they would hold a blind vote.

After a hand-vote, Ms. Quindel said that Ms. Gray was elected as Chair of the Organization and Rules Committee. (Applause)

Ms. Quindel said the next election was for the GA's representatives to the Graduate Council.

Mr. Daal asked what the position does. Ms. Quindel said there are six people running for four slots. The Grad Council is a committee of the Academic Senate, a faculty committee. Three grads sit on it, and an alternate, in case something happens with the three grads. The GA has had to use its alternate,

and the person was excellent, and stepped right in. The Grad Council meets once a month and decides on policy, such as student-parent policy and normative time. It made a statement about the budget cuts. Any policy affecting grads goes through the Grad Council. Dean Mason is a member, as well as a number of faculty. Delegates on the Grad Council are also members of the Executive Board, so that's an additional requirement in training at the GA retreat, and meeting with the Executive Board, one to three times a month, to make sure what comes to the GA is quality.

Matt Eckerle introduced himself and said he's a first-year Ph.D. student in Bioengineering. He was a Delegate that year, and that semester got more involved, and became very involved in the External Affairs Committee, fighting budget cuts. He was a fierce opponent to unequal increases in fees and fee increases in general, especially the elimination of outreach, which was terrible and should never happen. This was his first year in student government, but had experience at Purdue, where he was a student leader for five years. As a member of the Grad Council he'd try to help bridge gaps between themselves and the ASUC, and work hard to support the fight for grad autonomy and student rights, especially freedom of speech and due process. He will also work to preserve and augment the diversity that was essential to the Cal experience, and fight discrimination on campus.

Lola Odusanya said she's a second-year grad student. This was her first year in the GA and she's been coming to GA meetings regularly every month. She thought it was very important that their concerns are heard, that they're visible, and that their voices are heard by the Grad Council. She believed they face great challenges and issues as grads at UC Berkeley and thought the first priority of the representatives on the Grad Council should be to represent the voices and issues of the grads. She'd like to run on two platforms, the first being to increase representation of science students on the Grad Council. She's in Chemical Engineering, which was very time consuming. Also, as a Nigerian, she thought it was important for the voice of international students to be heard.

Jessica Preciado introduced herself and said she's a third-year student in Mechanical Engineering. She's encountered problems that students face, and used to think problems had to do with money. But over time she's seen they could use increased understanding by professors of issues facing grads. As a Delegate and member of the Academic Affairs Committee that last year, she had the opportunity to work on the Faculty Mentoring Award, which was great,

because it gave the GA and students an opportunity to recognize the faculty for their exemplary mentoring skills, which significantly impacts the grad student experience. However, not really recognizing recruitment and retention evaluations. If elected, she would work to improve the student environment through letting the Grad Council be aware of concerns in recruitment, retention, and evaluation, and would work towards solutions.

Mr. Stagi said he's a first-year grad from City and Regional Planning. This was his first year in the GA. He also had the pleasure of working on the Academic Affairs Committee and working on developing the Faculty Mentorship Award. It was fantastic experience. They met with Prof. Szeri at that meeting, and he is going to convene a committee to further explore mentorship campus-wide and expand upon it. Mr. Stagi said he really wanted to work on that with Prof. Szeri and with the rest of the faculty. He also wanted to make it a more open and transparent situation. As Delegates have seen at these meetings, he doesn't pull punches and says what he's thinking, and does it with a little humor and charm, so they wouldn't be totally pissed off.

Romi Sanyal introduced himself and said he was an Alternate Delegate from the Department of Architecture, a first-year Ph.D. He was an undergrad there and was also part of the Academic Senate as an undergrad representative. Given his background, he's well aware of a lot of the work that goes on in these committees. The Grad Division was a very powerful position and was also extremely prestigious. It required somebody who was capable of pushing for a lot of the concerns of the students, because a lot of times, even though one doesn't have a vote, one's personality and the way they tackle issues affects the way that faculty addresses issues. He's been very successful doing that in the Academic Senate as a student representative there, and he hoped to continue that as a grad Delegate.

Cyntia Molina introduced herself said she served as the GA External Affairs Vice President recently and also served on the Store Operations Board as a GA representative, so she had experience on the administrator side, and internally, on the Executive Board side, with issues on campus. So she can bring that to bear. She's a new student parent and she's been a victim of de facto policies, things that weren't written up, especially dealing with gender equity and class equity, so she was aware of student life issues and academic issues, and how they need to be brought together, and the need for faculty to be brought into student life affairs. She would invite them to read her statement, which was very carefully drafted. This was one capacity she thought she could serve the GA. It's a time commitment, but not too large for a new student parent. She

wanted to be involved in internal GA issues and bring that experience to the Executive Board.

Ms. Quindel said they would have a brief question and answer period, with 30 seconds for questions. A Delegate said Mr. Sanyal mentioned he was successful in the Academic Senate as an undergrad, and asked about his successes. Mr. Sanyal said that as a student representative to the Academic Senate, he worked on a very controversial subcommittee on the American Cultures Requirement. When this came to the subcommittee, they realized that many times the issues that students have with American Cultures Requirement were never addressed at faculty meetings. So they brought that issue to the table, to the point where they challenged a lot of criteria and categories in terms of determining what constitutes an American cultures requirement. Courses that were offered had syllabuses that dated back five years, so they encouraged them to be updated, and encouraged people to apply who were averse to doing so, and made the subcommittee more answerable to the students and faculty.

A Delegate said she had a question for all the candidates, and asked about getting back to the GA and keeping them connected to what's going on. Ms. Molina said she thought she had experience in terms of what they need to do to report back and keep people aware, and she felt a big sense of responsibility about that, especially because of student life issues that affect them. She had a lot of sensitivity for people who manage multiple roles, such as being a student and a teacher. So she's made that clear in her service, and it was about being very open. Mr. Sanyal said that as to how he would report back, they used to have mailing lists, and made it a point to get messages to all students, and even involved the Daily Cal as to what was going on in the Academic Senate, bringing that to the larger student body, informing them what was going out that affected them and what they needed to do to get faculty more accountable to the students. It wasn't just reporting to the GA, but informing the Academic Senate, the ASUC, and the student body as a whole. Mr. Stagi said he felt there were several levels and styles to do report back. The Daily Cal would be one, as well as reporting at GA meetings. He hasn't heard too many reports from Grad Council reps, and they could use the GA Web site. He could make a point of circulating a list for those people who specifically wanted e-mail updates, and make sure he had a listserv for those folks. Ms. Preciado said that obviously they'd want to give reports, and post on the Web site is as well; but they also want to call upon Delegates. Often times there are e-mails sent to Delegates asking them to please forward things to their departments, but it's very important to make it clear to Delegates and let them know what was done last semester with the survey of students on faculty search committees, and go

in that direction. Ms. Odusanya said the link on the Academic Senate to the Grad Council has been inactive, and after checking that past week, found there's no Web site for the Grad Council. They should have a page that Delegates can go to in order to see what was discussed. So she'd like to work on that, and hopefully have that running. Also, for short reports, they could have a paragraph or two to Delegates, which would be very useful and essential. Mr. Eckerle said he had a conversation about this last week. There was a communication problem between them and students. He felt that student groups funded by the GA should be required to provide some forum to communicate directly to the students whether by e-mail, listserv or bulletin board, to get directly to students, and not depend to Delegates. They try to, but they don't, because it's difficult and people don't want to be an e-mail blaster.

A Delegate asked Mr. Eckerle to elaborate on his undergrad leadership experience and secondly, he had a question for all candidates. As they know, they represent all grads at these faculty meetings, and over 20% of the grads are international students. The question was how would they would address concerns of international students and what some of the issues are that they'd like to bring to the attention of the faculty members.

Mr. Eckerle said that at Purdue he was President of the triathlon team, which had 50 to 100 students, and he brought to the club up from 20 to 50 active members, and also received the GA Ross Award, which goes to the outstanding senior man. He would like to think that was for his leadership activities. As for the second question, he's seen a proposal to waive international students' fees after the first year, and thought that was a good idea. He didn't have any solutions and that was the first one he's seen beginning to address this. With budget cuts, people will stop hiring international students because they're expensive and because professors feel the crunch. Ms. Odusanya said that as a Nigerian, she has faced problems that face international students, the most obvious one being tuition. She read the Resolution the GA wrote, and in Austin, there's a proposal where after the first year, the school waives out-of-state tuition, and these students pay in-state tuition. She believed it was important to establish such a system at Berkeley. Also, she lived in the I-House for two years, and 25% of the students there are from all over the world. She's talked to them about issues and she would like to also use this as a forum to expound on their issues. Ms. Preciado said this is a comment they've discussed in the Academic Affairs Committee. Her Department has a lot of international students, and she thought it was a great concern that they not cut or limit cuts of these students, because that would lower their competitiveness and their ability to attract the best and brightest from across the world. So she

would make sure to bring that viewpoint to the Grad Council and make sure they understand that. Mr. Stagi said that selfishly, they all suffer when international students and students from out-of-state do not come there. He would find it important to get opinions of what would suit international students the most, but apparently money issues would be a primary concern. To keep a pre-eminent position they have to attract and retain those students. And the best way to do that is to make sure fees aren't raised any higher, and to see if they can get them rescinded or knocked off in the second year. Mr. Sanyal said he's a resident and also dealing with non-resident issues, and was exposed to a large number of international students within his Department. People he's met who wanted to apply to Berkeley can't, because of funding issues. In terms of addressing these issues, from what he's discussed with people, he would probably push to take the status of international students and move it to non-resident status, or use the change of status more effectively. The issue of not being able to get adequate fellowships would be countered by the fact of having lower fees to be paid. Ms. Molina said she comes from a discipline and focus that is transnational, including Africa, the Caribbean, and the US, with global collaborations happening. International students are not a luxury and must be supported in profound ways. There needs to be more leadership and political consciousness coming from faculty, and direct advocacy, to protect students and funding that's being targeted. There are a lot of issues with funding and supporting students who are there.

Ms. Williams asked Ms. Molina how she would address faculty diversity. Ms. Molina said that was an issue she wasn't able to attack as she would have liked in External Affairs because it operates internally. There isn't a transparent search process, and they're not made public. She felt students need to be involved in the search process and aware of what things enter into the searches in particular departments. Mr. Sanyal said this was an issue they dealt with in the Academic Senate, including in their Committee, and it's something they're dealing with at that time. He thought it was one of the biggest issues. One thing he's pushed for is to encourage more diverse faculty representation, particularly a lot more involvement from various diverse faculty groups and faculty in various different teaching capacities. He'd advocate for a more diverse faculty, something he's tried to do many times before, and has succeeded in to a certain extent. Mr. Stagi said that in his own Department they're suffering big problems, and just that day they convened a meeting he facilitated to head off some ugly situations. It was imperative that students involve themselves on the ground floor and help establish stronger criteria, and for their input to be valued. So he'd want to revisit criteria on which decisions are made, and make sure grads are involved on the ground floor. Ms. Preciado said she

wanted to make sure grads are involved in the process and that they're really looking at a very wide base of professors to recruit. In addition, there's a retention problem on campus and professors of color get tenure and get 50 offers a year from other institutions. She thought they need to take a look at the roles that these professors take in addition to just research and teaching. A lot act as mentors to students and take on a greater mentoring role, and take on other roles that need to be accounted for. Ms. Odusanya said she felt that during searches, professors respect opinions of other professors. A professor supporting their cause was Prof. Stacey, so she would talk to her first. She's on the side of increased faculty diversity, so Ms. Odusanya said she'd try to get input and advice on how best to recruit professors, because they interact with them and know how things work, and why. Mr. Eckerle said he agreed that diverse faculty are more likely to focus on mentoring than teaching and research, and he thought that should be encouraged, and departments should be influenced to take mentoring into consideration in faculty positions.

Ms. Quindel called for any other questions and asked the candidates to step outside for a discussion and a vote. Ms. Quindel said people should vote for four candidates, and the people, in that order, would get the representative and alternate positions. A discussion was held off the record and votes were cast.

Ms. Quindel said the next position to fill was the Judicial Committee, and they need at least five people to fill that Committee. Only one person submitted a statement.

Mr. Sharma said that is a new body in the GA for dispute resolution and will be active for the first time next academic year. He asked if they could get three people on it, the number for a quorum. If people were interested in helping on the organizational side and in keeping the GA accountable, or were interested in the mechanics of the GA, this would be a great committee to be on. They'd be helping everyone else figure out what the Charter and By-laws say. Ms. Quindel said it probably wouldn't meet that much, just when there's a dispute.

Ms. Williams nominated Charles Amon.

A Delegate asked if this included an appointment to the Executive Board. Ms. Quindel said it didn't.

Mr. Bailey nominated Josh Fisher. Mr. Fisher asked if people had to be intimately familiar with the rules. Ms. Quindel said people on the Committee would interpret the Charter and By-laws.

Hana Franklin nominated herself. Catherine Maxwell nominated herself.

Ms. Quindel asked if people would like to give brief statements.

Mr. Sharma said they have to select a chair, and said the top vote getter could serve in that position. Ms. Quindel asked if anybody would like to serve as Chair. Mr. Gerrades nominated himself for that position. Ms. Quindel called for any objection. Ms. Quindel said the nominees were Peter Gerrades as Chair, Charles Amon, Josh Fisher, Hana Franklin, and Catherine Maxwell. A motion to approve was made and seconded. THE MOTION TO APPROVE THE MEMBERS TO THE JUDICIAL COMMITTEE PASSED WITH NO OBJECTION: PETER GERRADES AS CHAIR, CHARLES AMON, JOSH FISHER, HANA FRANKLIN, AND CATHERINE MAXWELL. (Applause) Ms. Quindel said she would like to thank them.

Ms. Quindel said that as they know, Ms. Molina has been sitting on the ASUC Store Operations Board for almost two years and her term was up in September. They wanted to make sure there's a smooth transition, so they convened a selection committee, as required by the Charter of the SOB, by ASUC By-laws, and GA documents. The committee included herself, the ASUC President, and the outgoing member, Ms. Molina. They interviewed a number of people and were forwarding the nomination of Sunny Lu as their candidate. Ms. Lu was present to answer any questions. Her résumé and cover letter were included in the packet.

Ms. Lu said she's a recent Cal grad, having graduated in 2003. She's served in the ASUC and worked in the ASUC for a number of years, in a couple of different positions, for the Executive VP as well as serving in the Senate. She also worked on a subcommittee of the Store Operations Board, and worked on issues dealing with the Bearcade. She was a one-year at Boalt, finishing her first year, and would like to sit on the Store Operations Board because she wanted to get more involved in the ASUC again, after her year-long hiatus. Ms. Quindel noted that this is a two-year term. Ms. Sun said that next year, she hoped, by virtue of her an undergrad experience in the ASUC and her grad school experience, to bring the Board a little closer. She knew there were some contentious issues that year between grads and undergrads, and she hoped

to alleviate some tension on the Board by bringing a joint perspective to it. Some ideas she had include, in conjunction with the new location of the Store, to push advertising and marketing, to counter the effects of Ned's, and also to look into creating new focus groups, especially on some of their less profitable enterprises, like the Bearcade and the Art Studio. She didn't think they should look at the bottom line for services because they have to take into account that they're first and foremost dealing with services and how effective they serve the student body.

Ms. Quindel called for any questions. Mr. Garcia asked about her opinions on grad student autonomy. Ms. Lu said she was very pro grad student autonomy. Mr. Sharma said he thought the President had to be on the SOB. Ms. Quindel said the GA would have two people on the SOB, the President and this nominee. This was not an election, but a nomination. A motion to adjourn was made and seconded.

A Delegate asked about other candidates who were considered. Ms. Quindel said she believed the Selection Committee decided on Ms. Lu was because not only was she a great representative, but had institutional knowledge, and experience and ability to bridge differences between undergrads and grads, which was really important when there's a Board of five new students. They felt her institutional knowledge coupled with her ability to be a good representative outweighed other candidates, who would be great reps for campus-wide committees in general.

A motion to approve the nomination was made and seconded. THE MOTION TO APPROVE SUNNY LU AS THE 2004-2006 AT-LARGE GRAD STUDENT REPRESENTATIVE ON THE STORE OPERATIONS BOARD PASSED WITH NO OBJECTION. Ms. Lu said she would like to thank them. (Applause) Ms. Quindel said they hope Ms. Lu communicates with them to make sure she gets input. Ms. Lu said she definitely would.

### STAFF RECONFIRMATION

Ms. Quindel said the next vote would be on reconfirming staff. This is something the GA had to do based on their By-laws. They were forwarding all staff to be reconfirmed. A motion to approve was made and seconded. THE MOTION TO RECONFIRM GA STAFF PASSED WITH NO OBJECTION.

## REPORTS

### Report from the Funding Committee

Ms. Levitan said that normally, the recommendation is for the Funding Committee to spend about 5% over the total amount the GA has allocated because groups don't use all the money that they're allocated. For this round they added things because of mistakes and because there was a low amount of money. They exceeded that 5% figure and allocated 8.525% over the total amount for the year. That should be okay, given the amount of money that was not used in the fall term.

A motion to approve the report from the Funding Committee was made and seconded. THE REPORT FROM THE FUNDING COMMITTEE ON ROUND 8 OF GRAD EVENTS ALLOCATIONS WAS APPROVED WITH NO OBJECTION.

Ms. Quindel said the winners in the election for Grad Council representatives were Lola Odusanya, Jay Stagi, and Romi Sanyal, who will be the three representatives, and Cintya Molina, who will be their alternate. Ms. Quindel said she thought this Grad Council election was the most contentious they've had. Mr. Eckerle and Ms. Preciado were excellent candidates, and she would ask them to please stay involved in GA committees.

## NEW BUSINESS

Ms. Quindel asked to go to New Business, item H, since the student was present and had to leave. It was so moved and seconded and passed with no objection.

The following Resolution was authored by Charis Kaskiris and was sponsored by AAVP Temina Madon:

RESOLUTION TO PROTECT GRADUATE STUDENTS' INTELLECTUAL PROPERTY AT UC BERKELEY

WHEREAS, the draft Data Management, Use, and Protection Policy, developed by the Data Stewardship Council under Jack McCredie and Vice Chancellor Jim Hyatt, states that all data generated on campus belongs to the University of California; and

WHEREAS, the mission of the University, as an academic institution where freedom of expression reigns free, requires that students are not restricted in coursework, projects, plays, photos, artworks, theses, and other creative work for fear of intellectual property restrictions; and

WHEREAS, ownership of a student's work should rest with the student, unless the student is a non-academic employee of the University and the work is done under that employment relationship; and

WHEREAS, stripping ownership of coursework material from faculty members will stifle e-learning initiatives for fear of intellectual property loss, which will further deteriorate the quality of teaching and learning on an increasingly networked campus;

THEREFORE BE IT RESOLVED, that the Graduate Assembly strongly encourages the E-Berkeley Steering Committee and other University officials to resist and oppose any policy that explicitly takes away student intellectual property rights, as the Data Management, Use, and Protection Policy does.

BE IT FURTHER RESOLVED, that the Graduate Assembly leadership will write a letter to the EBSC Chair, EVCP Paul Gray, and other University administrators and leaders, urging them to protect the intellectual property rights of students, faculty members, lecturers, visiting scholars, postdoctoral fellows, and others attached to the UC Berkeley academic community.

Ms. Quindel said they would have five minutes for the Resolution, including questions and debate.

Charis Kaskiris introduced himself and said he was the grad representative to the E-Berkeley Steering Committee. This Committee is the decision making committee on campus that deals with anything having to do with technology. The reason he and Ms. Madon wrote this Resolution because of something that's been circulating through the Technology Committee, "The Data Management, Use and Protection Policy." It states that the University of California is the owner of all UCB data. By starting at that point, this policy was an indirect violation of copyright policies with regard to ownership of data. This policy effectively says that anything one creates in their academic life on campus belongs to the University. This means that any papers students create for classes or projects, according to this policy, belongs to the

University. That's in violation of policy that has been implemented since 1992 that deals with copyrights, so students retain the copyright of their work. That policy rewards academic work, and if a grad student was under a GSI position, their work would fall under certain rules regarding ownership of the data. Part of the problem with the proposed policy is that not only does it violate students' intellectual property, but also creates a problem with the faculty. It means that if faculty's material for classes belongs to the University, which, again, violates copyright agreements, faculty will not work, and it would create disincentives for faculty to create new work, or to create new teaching material using electronic media or technologies, or to use technology to enhance education.

Mr. Kaskiris said the reason they're trying to pass this Resolution through the GA is to enable GA representatives on the Technology Committee to be able to say that students don't agree with policies that violate their intellectual property. These policies have already created a lot of turmoil with staff and faculty on campus. For faculty, on the intellectual property side, there's a lot of accounting delineated in this policy to keep track of information, including campus access to Web sites and a lot of tracking down of file sharing. Some students have been subpoenaed by the University to provide information about certain other students. Mr. Kaskiris said students want to be able to try and block policies that will allow the University to take away copyright, create privacy violations, and collect particular kinds of data that could be used against students.

A Delegate said it was mentioned that the current policy was against previous copyright policy. He asked if there was an incident of that conflict, and how that was resolved. Mr. Kaskiris said he was not familiar with prior conflicts. The problem is that since this data management policy goes through the Berkeley Steering Committee, it applies to anything that happens on campus. They don't want to let the campus implement this policy because it will supercede other policy.

A Delegate asked about the fourth clause, and asked if there was evidence that stripping ownership of coursework material from faculty has happened on campus or elsewhere. Mr. Kaskiris said this was the major concern they hear from faculty. He and Joe Hall talked to faculty and system administrators who work with students there, because everybody was enraged with the policy. The Delegate said that since that was the focus, he asked if the first Resolved Clause, which focuses on students, should include faculty. Mr. Kaskiris said that from the standpoint of students, they want to say that there is a problem and that this policy restricts or takes away intellectual property rights of

students. But at the same time, their concern is that it affects teaching quality. That's why they want this as a priority.

Ms. Quindel called for any other questions, and seeing none, called for any debate. Mr. Sharma moved to call the question. The motion to end debate was seconded and passed with no objection.

THE MOTION TO APPROVE THE RESOLUTION TO PROTECT GRADUATE STUDENTS' INTELLECTUAL PROPERTY AT UC BERKELEY PASSED UNANIMOUSLY BY VOICE-VOTE.

#### ANNOUNCEMENTS (cont'd)

Ms. Dugas said she had to leave soon and she wanted to make some announcements. Snigdha Sen, The Berkeley Graduate Editor, didn't get a chance to make an announcement and wanted to let them know that "The Berkeley Graduate" should be coming out at the beginning of next week. Ms. Dugas said she had the cover design people could look at. It was very well done, and a lot of hard work was put into the magazine. Ms. Sen was asking Delegates to come by the GA at Anthony Hall by mid-week and take some magazines to their departments. Normally, copies would be available at the GA meeting, but the only way to get them distributed was through Delegates' departments. People can read the wonderful articles that came out, one in particular was an article spotlighting Mr. Garcia and his whole experience marrying his partner, and it was beautifully done.

Ms. Dugas said she also wanted to congratulate everyone who ran, and would ask them to please keep in mind that they have to do a 25-30 hour training, except for the Judicial Committee, within the course of a couple of weeks. That would include the Grad Council reps and people on the Executive Board. They have legal, fiduciary, and organizational responsibilities. So the training was required as part of the positions, as per the By-laws. They'll be hearing about that via e-mail. Ms. Quindel said that if people were elected to a position, she would ask them to please leave their contact information.

#### Report from the Executive Board

Ms. Quindel said the Executive Board met April 6. They talked about solar panels and about asking to hire a full-time professional staffmember. They took that stand, but the reality is, it didn't work and they weren't given the money for the position. The Executive Board also allocated money for the forum dealing with the Department of Energy and they began discussing the structure for the combined Grad Events and Grad Social Club, and how that will work. They're giving suggestions to the current Events Coordinator and the Grad Social Club Coordinator for review. The Board also re-affirmed a previous opinion of the Board.

Mr. Garcia asked if there was something Delegates should know about the \$50,000 that Tom Cordi wanted for solar panels, the issue at stake, and any action. Ms. Quindel said that what happened is that about four years ago, Eli Ilano, the GA President, made a verbal agreement with Tom Cordi, Director of the ASUC Auxiliary, that the GA would pay for solar panels, \$50,000 a year over three years. That was never written down. The GA reconfirmed it verbally, but it was never written in a contract. This year the GA Finance Committee did not find enough money in the budget for that, and Director Cordi was very upset. But the GA hasn't actually allocated money for solar panels from its regular budget, but from its surplus for the past two years they've approved this allocation. This year would be the last year they'd allocate \$50K, the last year of the three-year agreement.

Ms. Levitan asked if the money has been allocated. Ms. Quindel said it hasn't been, but there will be a surplus. Solar panels were not number one in their list of priorities for the surplus. Mr. Sharma said it's number five on their list.

Ms. Quindel asked if there were any other questions, and asked if there was a motion to approve the report. A motion to approve the report from the Executive Board was made and seconded. **THE MOTION TO APPROVE THE REPORT FROM THE EXECUTIVE BOARD PASSED WITH NO OBJECTION.**

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Begin written report from the Executive Board

Executive Board Report - May 6, 2004

April 6th

I. Solar Panels/Assistant Manager discussion with Tom Cordi:

The Board directs the President to tell ASUC Auxiliary Director, Tom Cordi, that the Executive Board will recommend that the Assembly prioritize the solar panels if and only if the ASUC Auxiliary provides us half of a salary for a full time professional staff member.

II. UC/DOE Forum Funding

The Board recommends that the Executive Office allocate \$1,000 from their budget, that the Board allocate an emergency \$500 from the Speakers Fund, and that the Academic Affairs VP request funds from LBNL to pay for the Webcast.

May 3rd

I. The Board approved the description of the Graduate Community and Activities Project (GCAP), the new project that incorporates the former Events Project and Graduate Social Club. Structural suggestions for the project will be forwarded to the current Events Coordinator and GSC Coordinators for review and revision.

II. Concern was raised regarding the timeline for substantially altering projects (GCAP) and so the situation was reviewed in order to ensure consistency and fairness regarding the past-deadline submitted proposal for the Health and Academic Welfare Project. The Board reaffirmed their former decision regarding the Health and Academic Welfare Project after reviewing the GCAT situation: The project proposal cannot be considered as changes weren't posed in time for the budgeting process, but the proposal will be put on file by the GA Manager for next year.

End written report from the Executive Board

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Report from the Finance Committee

Mr. Sharma said the Finance Committee met for one last time, and it was just administrative. There was a financial transfer, moving money from one account to a trustee account. There were some last minute budgetary needs, so they closed accounts and moved the money. Several projects asked for additional money out of the amount that was consolidated, in order to make some supplemental appropriations under (2) in the report. Pursuant to authority given to the Finance Committee last month, they allocated \$3,400 of the remaining reserve that year to the American Cultures Study Center to support grad student course development. Item (3) deals with next year's budget. In light of the failure of the Store Operations Board to match the \$17,000 the GA

posted for a new position, the Finance Committee felt it was prudent to remove that allocation, since they have a tight budget. It was reallocated in the second paragraph.

Ms. Madon asked if he was willing to make a correction to the first item, as the Mental Health Task Force used money and believed they were allocated \$6,500. If blame had to be assigned, she would ask them to place that on her, not the Task Force. Mr. Sharma said he wasn't blaming anybody, and as reported is what it was supposed to say. The Mental Health Task Force was allocated \$6,500 for PSA support, to pay for research support services. But rather than spending that on research support, the Task Force used the money to pay for programs. They can't do that in a budget with a line item. Money has been spent, so they're just going back after the fact and switching the money from one area to another, after the fact.

Ms. Levitan asked if he would strike the word "improperly" from the report. The motion was seconded. THE MOTION TO AMEND THE REPORT PASSED WITH NO OBJECTION.

Ms. Quindel called for any other questions. A motion to approve the report was made and seconded. THE MOTION TO APPROVE THE REPORT FROM THE FINANCE COMMITTEE, AS AMENDED, PASSED WITH NO OBJECTION.

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Begin written report from the Finance Committee Chair

Finance Committee Report  
30 April 2004

The Finance Committee met on Friday, April 30th at The Orchid on Durant Avenue to discuss pending matters in the committee purview before adjourning for the academic year. Five members were present:  
Rishi Sharma (Law), Laura Altieri (Law), David Garcia (Chemistry), Vivian Hwa (Economics), and Robert Ricketts (Business).

The following recommendations were approved by consensus and are now forwarded to the Delegates for consideration:

1. FY 2003-2004 Adjustments and Transfers

Mental Health Task Force Realignment

The Mental Health Task Force has improperly used \$6,500 designated for PSA Support and research assistance as an Executive Office line item for program purposes in pursuit of the Graduate Mental Health Survey. To accommodate the error, the Committee recommends reallocating \$6,500 from the PSA Support line item in the Executive Office budget to the Programs and Events line item therein.

#### Trustee Account Transfers

In light of sustained inactivity, the Committee recommends: (1) transferring \$7,000 from the GAMES trustee account to the unallocated reserve, leaving \$3,000 for research and PSA support; and (2) transferring all \$6,445 from the Graduate Disability Project trustee account to the unallocated reserve.

## 2. FY 2003-2004 Allocations

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### Written report from the Finance Committee (cont'd)

#### Supplemental Appropriations

The Committee recommends the following supplemental appropriations: (1) \$2,000 for the Events Project's successful mentoring project; (2) \$1,500 to the Graduate Student Services Project for additional programming; (3) \$700 to the Empowering Women of Color Conference for costs related to the conference this year; and (4) \$850 to Professional Development in the Business Office budget for fees relating to a Finance Management Seminar attended by the Business Manager.

#### American Cultures Teaching Center Appropriation

Pursuant to a recommendation by the Executive Board and authority approved at the April Delegates meeting, the Committee recommends appropriating \$3,400 to the American Cultures Teaching Center for the reasons stated in the Executive Board report of 1 April 2004 to the Delegates despite the fact that the University, not students, should be responsible for this expense.

## 3. FY 2004-2005 Budget Adjustments

#### Line Item Transfers

Following the Store Operations Board failure to appropriate the funds necessary to sustain a fifty percent contribution to a new Student Affairs Officer position for projects at the Graduate Assembly, the Committee recommends removing the \$17,000 in that line-item for reallocation.

#### Supplemental Allocations

The Committee recommends using the remaining unallocated funds in the FY 2004-2005 budget to: (1) restore to FY 2003-2004 levels the Campus Organizing Director (COD) and Legislative Liaison (LL) salaries; and (2) provide an additional \$7,000 in

discretionary funds to the Events Project in discretionary funds in light of the budget cuts made in the FY 2004-2005 budget process.

Respectfully Submitted,  
Rishi Sharma, Chair  
GA Finance Committee

End written report from the Finance Committee Chair  
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## RESOLUTIONS

The following Resolution was authored by Mr. Ahn, Autonomy Committee Chair (2003-2004), and was submitted by the Graduate Assembly Ad Hoc Committee on Autonomy:

### RESOLUTION TO RENEW THE COMMITTEE ON GRADUATE STUDENT AUTONOMY (AUTONOMY COMMITTEE)

WHEREAS, the Graduate Assembly (GA) created an Ad Hoc Committee on Graduate Student Autonomy to implement its decision to seek independence from the largely undergraduate dominated general student government (the "ASUC" or Association of Students of the University of California); and

WHEREAS, the Autonomy Committee and its predecessors have been working on this issue for two academic years (not including the previous failed efforts at autonomy); and

WHEREAS, the Autonomy Committee has identified four key components of autonomy, those being 1) the drafting and articulation of what the GA wants from autonomy, 2) the certification and placement of an ASUC constitutional amendment on the ballot, 3) the negotiation of the financial affairs between the ASUC, the GA, and the ASUC Auxiliary, and 4) the approval of the amendment and implementation of the negotiated financial settlements; and

WHEREAS, the Autonomy Committee has successfully negotiated most of parts 1) and 2), and is close to developing a recommendation on part 3); and

WHEREAS, the Autonomy Committee would like more time to work on these issues through the summer and the next academic year; and

WHEREAS, 12.1.3 of the Graduate Assembly Charter and By-laws reads in full, "[c]ommittees other than those listed as standing committees in these By-

Laws may be created by a majority vote of the Assembly. These ad-hoc committees shall be treated as standing committees in that academic year with all rights and limitations as those governing standing committees. Such ad hoc committees may function for the duration of the academic year in which they are created. To continue past that period, they must be renewed by a vote of the Graduate Assembly. The chairs of ad hoc committees are not automatically members of the Executive Board;" and

Whereas, Vivian Hwa has been an extremely active Autonomy Committee member, an active GA delegate from Economics, and a member of the Graduate Assembly Executive Board, and is highly qualified to chair the committee in 2004-2005;

THEREFORE BE IT RESOLVED, that the Graduate Assembly Autonomy Committee be renewed through the 2004-2005 year so that it may continue the work that it has done this year.

BE IT FURTHER RESOLVED, that Vivian Hwa, a graduate student from the Economics Department, be the Chair of the Autonomy Committee after the 2003-2004 year for the duration of the committee existence in 2004-2005.

Ms. Ahn said that in the Resolution, she included the relevant language from the By-laws. The Autonomy Committee is an ad hoc committee, and if the GA wanted to renew it, it had to do that. The Resolution would renew the Committee on Grad Student Autonomy because it will continue work they want to do over the summer and next year. To make sure there's continuity, they're renewing it at that time instead of next year. Ms. Ahn said she was also proposing that Vivian Hwa be Chair, to be chosen in the fall. Ms. Hwa has been very, very active and knows about the issue. She could convene a good committee and continue the work. And if it's necessary to appoint a new chair, Ms. Ahn said she would trust Ms. Hwa to be able to train that person on the issues.

A Delegate asked how many members of the Committee will remain after graduation. Ms. Ahn said she was leaving, and nobody else was.

THE MOTION TO APPROVE THE RESOLUTION TO RENEW THE COMMITTEE ON GRADUATE STUDENT AUTONOMY (AUTONOMY COMMITTEE) PASSED WITH NO OBJECTION.

Report from the Academic Affairs Committee

Ms. Quindel said the Academic Affairs Committee's report includes two Resolutions, and Mr. Stagi would speak on the first.

The following Resolution was authored by Mr. Stagi and was submitted by the Academic Affairs Committee:

**RESOLUTION PROTESTING PROPOSED CHANGES TO THE CODE OF STUDENT CONDUCT**

WHEREAS, students will lose faith in the University's adjudication process without the appropriate safeguards and procedural protections for student rights during investigations, hearings, and sanctions related to charges of student misconduct; and

WHEREAS, the proposed changes to the Code of Student Conduct deny students representation in conduct hearings; and

WHEREAS, the same changes to the Code of Student Conduct maintain the prerogative of the University Administration to representation conversant in the structure of the Code of Student Conduct; and

WHEREAS, this glaring discrepancy between rights accorded the University Administration and Students would have the effect of placing Students at a seemingly insurmountable disadvantage in the prosecution of a credible defense;

THEREFORE BE IT RESOLVED, that the Graduate Assembly strongly advocates for the final revisions to the Code to include the following provisions:

Full participation for the student's representative during the conduct hearing process.

Equal treatment of the University's representation (Student Judicial Affairs) and the student's representation (Student Advocate Office or other representative) during conduct hearings.

A fair and unbiased hearing panel, including both students and members of the faculty.

Mr. Stagi said this was to concern brought up earlier in the meeting before last. It seemed something the Academic Affairs Committee should pay attention to and raise dissent about, as the changes seemed unfair. It remarks about the difference between the University's representation and students' representation. Everybody was familiar with the fact that if there's any type of Student Conduct hearing, students would no longer have

any representation and would be there by themselves, while the University would have a lawyer there who knew the ropes. It seemed clear that students were in favor of the positions taken in the Resolution.

Ms. Vulic said that from experience, cheating was pretty rampant among undergrads in her department, and a lot of instances don't get reported because faculty are worried about how much evidence was needed and how time consuming the process was. She asked if he had any comment on whether the new proposals would make that better, and for faculty feeling it's feasible to get a student prosecuted for cheating. Mr. Stagi said she might have a small point, and he wanted to disagree in that not losing any representation would be throwing out the baby with the bathwater. He understood the concern with cheating, but it seemed clear that cheating was a small proportion of cases, and there are instances where people who want representation, and what was being proposed would make that unavailable to students.

Ms. Madon said that 90% of the cases are academic dishonesty, so this was a major concern. None of those go to a hearing. She sat on the Academic Dishonesty Working Group that worked on this, and faculty members feel like it's a hassle. So the report will have a significant impact, because none of those cases generally go to trial.

Ms. Vulic said the case she was involved with didn't go to trial because the lawyer worked out a deal with the school, which to her seemed warped.

Ms. Ahn moved to extend speaking time by five minutes. A motion to call the question and end debate was made and seconded and passed by voice-vote.

THE MOTION TO APPROVE THE RESOLUTION PROTESTING PROPOSED CHANGES TO THE CODE OF STUDENT CONDUCT PASSED UNANIMOUSLY BY VOICE-VOTE.

The following Resolution was authored and submitted by the Academic Affairs Committee:

RESOLUTION TO PROMOTE GRADUATE STUDENT INTERESTS IN LRDP COMMENTS

WHEREAS, University transportation for members of the UC Berkeley campus community is not adequately coordinated with municipal transportation (AC Transit, BART), and efforts should be taken to improve timing of campus perimeter schedules with City transit systems, to improve efficiency, convenience, and night safety; and

WHEREAS, off-campus University housing for graduate students is currently too expensive for the majority of graduate students, and more affordable options

must be considered if recruitment of the best graduate students to UC Berkeley is to continue; and

RESOLUTION TO PROMOTE GRADUATE STUDENT INTERESTS IN LRDP  
COMMENTS (cont'd)

WHEREAS, the I-House seems to be an exemplary model for graduate student housing, as it provides transitional housing for many doctoral students and permanent housing for many masters students in 1-2 year programs; therefore the success of the I-House (as both a residence and a graduate community) should be studied and used to guide future graduate student housing projects; and

WHEREAS, quality of graduate student life should be a major focus of any upcoming fundraising, particularly if UC Berkeley is to maintain its current quality of graduate student scholars; therefore future fundraising campaigns should include attention to graduate student housing, in addition to graduate student fellowships; and

WHEREAS, many of the above considerations are missing from both the newly-released LRDP and the ASUC comments on this report;

THEREFORE BE IT RESOLVED, that the Graduate Assembly Academic Affairs Committee will work with the GA Advocacy Committee and the ASUC to draft a comment on the UC Berkeley Long-Range Development Plan and Impact Report, to be completed by June 2004 and submitted to the Chancellor, appropriate administrators, and Academic Senate committees, that reflects the particular concerns of graduate students on this campus.

Ms. Madon said the Resolution deals with the Long-Range Development Plan, which was recently released, along with the Environmental Impact Report. The ASUC developed its own comments, and the Academic Affairs Committee reviewed those comments and felt there were gaps. So the Committee recommended that the GA Academic Affairs Committee, in concert with the Advocacy Committee, develop their own comments that were very particular and specific to grads' needs. An example was the need for Masters students to have transitional housing that involved the community, because they don't stick around as long. They need coordination of transit systems, with BART and AC Transit, and there are a number of recommendations. The Resolved Clause is for the GA to work on this and develop a response by June.

Ms. Madon said the two remaining items on the report were cut from what the Committee submitted. They had a hundred people at the reception for the Faculty Mentoring Award, and people were moved to tears. It's not often to get faculty and grads in a room to talk about what happens when they do research together, and it was amazing. Ms. Madon said they wanted to strongly recommend that the GA continue this practice. It does have

an affect on tenure and merit reviews, and they were assured this would go into people's files, and when department chairs conduct merit reviews. Two people who were awarded were not tenured and there were concerns they wouldn't get tenure. So it's important that grads speak up and vocally support contributions faculty members make. The recommendations were not delivered in the report, but they came up with a number of recommendations that hopefully can be passed along to Mr. Schechtman for future years, so this amazing tradition can be sustained.

Ms. Madon said they also discussed briefly, in section 4 of the report, grad student research mentoring. Ms. Quindel will follow-up on the award and on the award process and sift through 600 pages of nominations material, selecting out quotes to best illustrate how faculty members can be good research mentors for idea grads. They're doing this with the permission of the nominators. This will be a very strong jumping off point grads to continue this work.

Mr. Sharma said this year they had to apply for permission to award GA money, and that was laborious for staff. He asked if they were contemplating another financial award, and if so, where that money would come from. Ms. Madon said they got feedback on the financial award and found it was important, because department chairs look more seriously to an award with money attached, particularly one that comes from grads. In addition, Paul Gray told her he was very confident that if the GA applied for an exception, it would be granted. Also, other administrators have been highly supportive. So there's little doubt it would be approved. The recommendation is to allow at least three months for the Administration to process this. So in their recommendations, they suggest that the next year's Academic Affairs VP and the Business Manager work together to submit a request for exception from policy by September 2004. Mr. Sharma asked if they'd have to do an ad hoc request every year. Ms. Madon said that wasn't clear to her, and it's something the Academic Affairs VP would have to discuss with the change or Vice Chancellor.

A motion to approve the report from the Academic Affairs Committee was made and seconded.

Mr. Sharma said that in the Resolution, the Resolved Clause for the Long-Range Development Plan, his concern was that they'd submit a legal document, from the Academic VP and the Advocacy Committee. Because it's legal, he'd like to give it an official imprimatur and perhaps have it go through the Executive Board before it's submitted.

Ms. Quindel said the motion would have the Resolved Clause read that the GA Academic Affairs Committee will work with the GA and the Executive Board, so the amendment would add "Executive Board" as part of the group that would review these comments, to read as follows:

"Resolved, that the... Academic Affairs Committee will work with the GA Advocacy Committee, the Executive Board, and the ASUC, to draft a comment...."

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

A motion to call the question was made and seconded and passed with no objection. THE MOTION TO ADOPT THE ACADEMIC AFFAIRS COMMITTEE REPORT, AS AMENDED, PASSED UNANIMOUSLY BY VOICE-VOTE, RESOLUTION TO PROMOTE GRADUATE STUDENT INTERESTS IN LRDP COMMENTS.

The following Resolution was authored by David Quist and was sponsored by Ms. Quindel:

RESOLUTION IN SUPPORT OF TENURE, TRANSPARENCY AND LEARNING IN THE REVIEW OF IGNACIO CHAPELA

WHEREAS Chancellor Berdahl denied tenure for Ignacio Chapela, Professor of ESPM, despite overwhelming recommendations for tenure by the faculty in his Department, its Chair, the Dean of CNR, the solicited external advice, the ad hoc expert committee appointed by the Academic Senate and others; and

RESOLUTION IN SUPPORT OF TENURE, TRANSPARENCY AND LEARNING IN THE REVIEW OF IGNACIO CHAPELA (cont'd)

WHEREAS the Chancellor has not addressed his decision making rationale in denying tenure for Professor Chapela, despite scores of requests to do so by faculty within the campus community and beyond; and

WHEREAS charges of conflict of interest in Professor Chapela's tenure review have not been satisfactorily addressed by the Chancellor, despite allegations raised by the media and others; and

WHEREAS the Chancellor inappropriately invokes the term "confidentiality" as a way of maintaining "secrecy" in this case, and should be confronted; and

WHEREAS the image and credibility of the University of California, Berkeley has been severely compromised by the Chancellor's silence and lack of leadership;

THEREFORE BE IT RESOLVED, that the Graduate Assembly calls upon the Chancellor to:

- 1 Fulfill his obligation as the leader of our University and publicly explaining the basis of his denial of tenure for Professor Chapela.
2. Offer tenure to Professor Chapela on the basis of his exemplary scientific, teaching, and service contributions to the University and to the citizens of California, in the spirit of the desires and recommendations of the ESPM faculty, leadership, and colleagues across campus.

BE IT FURTHER RESOLVED, that the Graduate Assembly calls upon the Academic Senate to investigate the procedural and institutional shortcomings of the University of California's tenure review process that led to the irregularities stated above, and develop useful mechanisms to implement to overcome them.

BE IT FURTHER RESOLVED that the Graduate Assembly will support any efforts to secure tenure for Professor Chapela, and support any efforts to investigate and reform shortcomings in the tenure review process revealed by this case to preserve the academic freedom, fairness and high standards of our University.

Mr. Quist introduced himself and said he's a student in ESPM and in Prof. Chapela's lab. Mr. Quist said he became concerned about this case not because of lab-dog loyalty, but because of gross irregularities. Prof. Chapela is probably up for a world record for longest tenure process, and has been an assistant professor for eight years. As for irregularities, it's been about a 30-month process, for something that normally takes four to six months. Prof. Chapela had a recommendation for tenure from the faculty Chair of the Department, the Dean, the Ad Hoc Committee, etc. But when he got to the Budget Committee, they did not recommend tenure, and the Chancellor did not give him tenure. People at the faculty level have been questioning this case. Prof. Chapela has been engaged in contentious research that challenges research agendas with money on campus and people there are charges of a conflict of interest. The Resolution tries to make sense of this and asks how this could happen and asks for an investigation, through the Academic Senate, to look into the matter, see what how these irregularities arose, how the system can be improved, and asks the Chancellor to give a rationale for his decision, and for some accountability. Lastly, this was not about just about Prof. Chapela, but larger issues of academic freedom, of importance to faculty, students, and the surrounding community.

A Delegate asked if the Chancellor generally explains why he's denied tenure. There might be very good reasons the Chancellor why tenure is granted or denied tenure, and he and the University might be him and to lawsuits. He asked if it was unusual for the Chancellor to explain. Mr. Quist said the process was interesting and has been ongoing. One school of thought says tenure is due process, confidential, and a closed door. Others say that this is a public University and there has to be accountability for decisions, and confidentiality was equated with secrecy.

Mr. Daal asked about the ESPM. Mr. Quist said it's Environmental Science Policy Management, and CNR is the College of Natural Resources.

Mr. Bailey said he was concerned that the professor was denied tenure. In most tenure processes, the foundation begins in a department, particularly with one's chair and dean of the school. The Dean supports the tenure case, so they were in an inordinate circumstance, for the Chancellor to make a decision on his own, which constituted some explanation. They have to protect themselves from unscrupulous decision making and hiding that under confidentiality. This was a very inordinate case. Most of the time when one gets support from one's department and one's dean, they receive tenure. Something inordinate about that case has occurred and should be explained.

A speaker said they asked if there was precedence for tenure being supported on those levels and then having the Chancellor deny tenure, and the controversy that happened, but there's no report of this issue. For ESPM, it's a slap in the face of faculty, who want this person, to have the Chancellor decide to disregard the recommendation coming to him. People were questioning the Chancellor's rationale.

Mr. Wang asked if the Chancellor personally approves every tenure application. Ms. Quindel said that was correct. Mr. Wang asked about Department review of the process. Ms. Quindel said the department forwards the tenure case through the chair, and then the dean approves it. It then goes to the Budget Committee of the Academic Senate one of the committees of the Academic Senate that doesn't have students. So it's solely faculty, and has senior faculty that meets in mostly closed session to decide whether to approve tenure. The recommendations are submitted to the Chancellor who ultimately has the final say.

A Delegate said he appreciated the gross irregularities that occurred, so it made sense in the last clause to demand for more transparency. Not knowing the particulars, he'd feel uncomfortable supporting efforts to secure tenure. On the one hand they talk about reviewing the process, and on the other hand they're endorsing him. He asked why one didn't apply to the other, and why they were both in the Resolution. He was uncomfortable voting on a Resolution with that last clause. Mr. Quist said it was recommended that they have strong wording in support of Prof. Chapela and his effort to get tenure because of the irregularities and the precedence this would set. It has a chilling effect for other scientists doing work that might be giving the wrong answers, to speak, and whether they'd be willing to engage in such things. There's a precedent involved.

Mr. Bailey moved to extend speaking time by five minutes. The motion was seconded and passed with no objection.

Ms. Odusanya asked if he could explain the research this professor does that was controversial. Mr. Quist said that when the Microbial Department investigated a strategic alliance with Novartis, it was leveraging public resources for private gain and people had issues with that. Prof. Chapela was a general questioner and led an effort to ask more questions, and was not favorably received. He published research showing transgenes

had hybridized with local varieties of native maize in Mexico. There's a moratorium against that. This is where genetic diversity of maize is located, and the new genes could compromise that. So this critique was occurring in the same Department that was getting money for the research. There was concern about people doing extreme research and links to universities.

A Delegate said he supported the idea behind this, and everything he's learned about the case smelled funny. He would be strongly in favor of the GA saying this didn't look right and was an issue that was important to them. But he felt uncomfortable going so far as to recommend that tenure be given. He moved to strike that clause of the Resolution that supporting efforts to secure tenure for Prof. Chapela. There was a motion to, instead of striking the clause, amending it to say that the GA will support any effort to make sure that Prof. Chapela is not denied tenure for ideological reasons.

Mr. Quist said that would also impact the title.

Ms. Quindel said the amendment would read, "Further Resolved, that the Graduate Assembly will support any efforts to make sure Prof. Chapela is not denied tenure based on ideological reasons or illegitimate reasons."

Ms. Vulic said she had an amendment to the amendment. Ms. Quindel asked people to get together so the GA has one motion to consider.

Mr. Schechtman said he understood the concern about supporting a professor without having been involved in the tenure case, but his peers and dean approved him, and Mr. Schechtman said that made him feel much more comfortable about this case.

Mr. Bailey said the GA had to be careful about the process, which was clearly violated in this instance. If the campus did not want to give him tenure, Prof. Chapela should not have been at the school for eight years. And if all of the other bases are supported, he asked why they were allowing this inordinate, indisproportionate balance of power to continue. That's what the GA should be concerned with, the process. He could appreciate not knowing the specifics of the case, and now outwardly supporting tenure, but they need to be concerned about the way this process was being violated.

Ms. Madon said a number of tenured faculty around the country in this field spoken about Prof. Chapela. Mr. Quist said he had broad support, such as a letter from the people in the Arizona University System who are involved in interdisciplinary work, and who wrote a very good, unsolicited report. All letters about this, other than the biotech crowd in Mexico, have supported his tenure. There's been a faculty-level letter going around asking for similar kinds of situations that was signed by eminent scientists. Mr. Fisher said he thought there were 15 to 20 letters in support, and one or two against, and the process requires only six in support, so that process was violated. He liked the Resolution as it was, and not just saying they like transparency, but they support Prof. Chapela, along with people on campus and outside the Department.

Mr. Amon said that since the Budget Committee operates behind a closed door, they have no information about how the decision that was made, and why they voted that way. Mr. Quist said that all the records are public, in a sense, but they don't have access to what was said, and the actual rationale. Nobody else does either, outside of the committee and probably the Chancellor.

Mr. Wang said you they have overwhelming recommendations and asked if this was based on a percentage. Mr. Quist said it was 33-to-1. That's the vote. If the look at total committees and individuals, it was 59-to-2, or so.

A motion to call the question was made and seconded and passed by voice-vote. THE MOTION TO APPROVE THE RESOLUTION IN SUPPORT OF TENURE, TRANSPARENCY AND LEARNING IN THE REVIEW OF IGNACIO CHAPELA, PASSED BY VOICE-VOTE.

Mr. Astoria moved consider Item G), which also involved a guest speaker. There was no objection.

The following Resolution was authored by Lewis Green and was sponsored by Ross Astoria:

#### RESOLUTION TO SUPPORT LEGAL RIGHTS OF STUDENTS

WHEREAS, a lawsuit that could have significant implications for the legal rights of all college and university students in California is currently pending in the California Court of Appeal in San Francisco; and

WHEREAS, this lawsuit arose out of a situation in which a graduate school retroactively changed the paper topic that had been assigned to a student, and also retroactively changed the student's deadline, and then used these retroactive changes as grounds to terminate the student, and then denied the student's request for a grievance process; and

WHEREAS, two professors on the faculty of UC Berkeley who were directly involved in the events giving rise to this lawsuit, and who were on the student's faculty committee at the time when the student was terminated, have already filed in court in this lawsuit statements expressing their view that the termination of this particular student was wrongful, and also expressing support for the legal rights of all students;

WHEREAS, The Office of the Student Advocate of the ASUC, after extensive review of this matter, has decided to sign an amicus curiae (friend of the court) brief in this lawsuit, which amicus brief will generally advocate in favor of justice for all students, and will ask the court to set a valuable legal precedent by

recognizing that schools may not use unreasonable conduct to inflict major injuries upon their students, and will also ask the court to refrain from making any ruling that would be harmful to the future legal rights of all students;

THEREFORE BE IT RESOLVED that the delegates of the Graduate Assembly generally support the advocacy of the basic positions that are proposed to be taken in this amicus brief, which positions have been described in the preceding paragraph of this Resolution, in the memorandum made available in connection with this Resolution, and orally at the GA Delegates' meeting on May 6, 2004.

#### RESOLUTION TO SUPPORT LEGAL RIGHTS OF STUDENTS (cont'd)

BE IT FURTHER RESOLVED that the Delegates hereby authorize the President and Officers of the Graduate Assembly to endorse and sign, on behalf of the Graduate Assembly, this amicus curiae brief. The final text of this brief shall be consistent with the basic positions in favor of students' rights, referred to in the previous paragraph, that were proposed for advocacy in this amicus brief and then approved by the GA Delegates. The final text of the brief shall also be consistent with the positions supporting the legal rights of students that previously were approved for advocacy in this brief by the ASUC Student Advocate Office (SAO). The GA President and Officers, in their discretion, may delegate to GA staff members, to persons associated with the SAO, or to other persons, any actions or responsibilities pertaining to this matter. Insofar as any GA Delegate seeks any further involvement with this matter, such involvement shall be made available and permitted, and shall be included and taken into consideration in further GA involvement with this amicus brief.

Mr. Astoria said there's an important lawsuit in California, an appellate decision concerning the rights of grads, and the plaintiff was present. Lewis Green introduced himself and said he was a student at the Graduate Theological Union. He was terminated from the program and filed a lawsuit for wrongful termination. The Student Advocate looked into the details and filed an amicus curiae brief, or friend of the court, on behalf of legal rights of students. The Resolution asks the GA to join with them to file jointly. The amicus curiae brief will focus on the legal rights of all students, not just particularly his case. As for the particulars of his case, a professor, the Chair of his Committee, died, and Mr. Green said he was set up with somebody else, who had a reputation of abusing students. Mr. Green said the professor became angry at him because he thought he wasn't going to his office enough and because Mr. Green would work with other committee members. The professor did things like retroactively change a deadline for a paper and cancel the oral exam. Mr. Green said a UC Berkeley professor told him to write on a certain topic and in the end, the professor told him he shouldn't have written on the topic and that the paper was not satisfactory; and the professor got him terminated using those as the primary two grounds.

Mr. Green said the brief was not really going to focus so much on the facts of his case, but will focus on issues of legal rights and students' rights raised by this case. The main thing the brief will do is argue that schools have an obligation to treat students in a reasonable manner, and such a ruling would be a huge breakthrough. There's a good chance the court might make that ruling and will be in a position to rule that legal rights of students were violated.

Mr. Green said he's been doing research in published cases in California involving students being terminated on academic grounds and has been able to find one case, over 100 years ago. So the brief will advocate that the courts were not doing a good job of protecting the legal rights of students the way they protect the legal rights of employees. Twenty percent of civil rights cases involve employment discrimination, and they give average awards of \$200,000. The brief will urge the court to protect the legal rights of students and advocate that students need to be able to recover enough money to pay for attorney's fees. In Texas, ten years ago, a student was terminated from a Ph.D. program in History at the State University and won, and the court ruled the school behavior was outrageous, and awarded \$10,000, although attorney's fees were over \$100,000. That means students rights are on paper, and not in practice. So wealthy students can get back to a program because the school doesn't want to deal with a lawsuit, and students who aren't wealthy are out because the courts will not take these on contingency. So the brief raises these issues and advocates on behalf of the legal rights of students. The Resolution authorizes the GA President to join the brief.

Ms. Vulic asked about the course of fighting this within his department before going to the courts, if he had that option. Mr. Green said he requested a grievance process and was told he wasn't eligible and there was a very close relationship with this Committee Chair. They broke all kinds of rules, denying this was a grievance process. Ms. Quindel said speaking time had expired. **THE MOTION TO APPROVE THE RESOLUTION TO SUPPORT LEGAL RIGHTS OF STUDENTS PASSED UNANIMOUSLY BY VOICE-VOTE.** Mr. Green said he wanted to thank them. (Applause)

Ms. Quindel said she would like to introduce Prof. Chapela. (Applause)

Ms. Quindel asked how many people could stay for 45 minutes, and said they'd have a quorum if people could stay. They'll try to do rest of their the business really quickly. They'd have one minute to present Resolutions. Ms. Vulic moved to table Resolutions until next year. The motion was seconded and failed by voice-vote.

The following Resolution was authored and sponsored Ms. Madon:

**RESOLUTION TO REQUEST RECOGNITION OF THE GRADUATE ASSEMBLY FROM THE BERKELEY DIVISION OF THE ACADEMIC SENATE**

WHEREAS, the Berkeley Graduate Assembly has actively pursued concerns and interests of graduate students (e.g. graduate research mentoring, graduate student diversity, unsustainable graduate student fee increases, and campus mental health) which are most probably of interest to the Berkeley faculty in their roles as researchers, educators, and community leaders; and

WHEREAS, it would be useful for the Berkeley Graduate Assembly to regularly communicate both its accomplishments and its concerns to the UC Berkeley faculty; and

WHEREAS, according to the By-laws of the Berkeley Division of the UC Academic Senate, the Berkeley ASUC Academic Affairs Vice President is bi-annually invited to speak before the faculty at Divisional meetings held once each fall and once each spring, to discuss academic concerns of the student population; and

WHEREAS, the Graduate Assembly is not currently recognized by the Berkeley Division of the Academic Senate as an autonomous student government authorized to represent and speak for graduate student interests, and as a result the Graduate Assembly's Academic Affairs Vice President is not permitted to speak before the faculty on behalf of graduate students at the bi-annual meetings of the Berkeley Division; and

WHEREAS, the Graduate Assembly may request that the ASUC Academic Affairs Vice President include comments from the Graduate Assembly in his/her address to the faculty, but the decision to accommodate graduate students remains at the discretion of the consistently undergraduate-run ASUC Executive Office; and

WHEREAS, the Berkeley Division of the Academic Senate may lawfully be allowed to entertain a speaker from the Graduate Assembly at its bi-annual Divisional meetings, provided that the

#### RESOLUTION TO REQUEST RECOGNITION OF THE GRADUATE ASSEMBLY FROM THE BERKELEY DIVISION OF THE ACADEMIC SENATE (cont'd)

body's membership either amends its By-laws to recognize the Graduate Assembly as the campus graduate student government or authorizes its Chair to extend an invitation to speak the GA Academic Affairs Vice President, in advance of Divisional meeting announcements;

THEREFORE BE IT RESOLVED, that the Graduate Assembly respectfully request recognition within the GA By-laws as the campus graduate student government by the Academic Senate's Berkeley Division.

BE IT FURTHER RESOLVED, that the Graduate Assembly President ask that the Berkeley Division Chair if it is possible for the Division to lawfully invite a representative from the Graduate Assembly to speak on behalf of graduate students' academic concerns at bi-annual Divisional meetings.

Ms. Madon said one member of the ASUC is invited to speak before the faculty to bring up issues of interest to the students, and the Resolution asks that a member of the GA also be asked to speak before the faculty at their biannual meetings. The Resolution asks the Academic Senate Chair and the Berkeley Division to recognize the GA and allow the GA to speak of issues of importance to students.

A motion to call the question was made and seconded and passed with no objection. THE MOTION TO APPROVE RESOLUTION TO REQUEST RECOGNITION OF THE GRADUATE ASSEMBLY FROM THE BERKELEY DIVISION OF THE ACADEMIC SENATE UNANIMOUSLY BY VOICE-VOTE.

The following Resolution was authored and sponsored by German Delegate Rob Schechtman:

#### RESOLUTION FOR SENIOR ADMINISTRATIVE EFFICIENCY

WHEREAS, the University has publicly stated, "UC's top priority is preserving quality in the student instructional program"; and

WHEREAS, repeated cuts have been made to numerous budget areas directly affecting both the educational mission, including but not limited to cuts in student enrollment, financial aid, department budgets, instructor positions, support staff, library acquisitions and journal subscriptions, student services, and educational outreach; and

WHEREAS, student fees have nearly doubled within two years, while the financial aid return rate is being cut, hence access to this public university's student instructional program is being severely reduced while the diversity of the student body is dropping rapidly; and

WHEREAS, non-academic salaries at UC Berkeley increased campus-wide at three times the rate of academic salaries from fiscal year 2002 to 2003; and

WHEREAS, the 89 senior-level administrators at UC Berkeley cost the University over \$11,000,000 in direct salary alone; and

WHEREAS, over 3,000 student seats are being cut UC-wide and hundreds of low-paid support staff have been laid off at UC Berkeley alone in the past two years; and

WHEREAS, not one single high-level senior administrative position has been eliminated or merged at UC Berkeley or at the UC Office of the President in response to this budget crisis;

THEREFORE BE IT RESOLVED, that the Graduate Assembly calls upon the UC Regents and the UC Office of the President to include this item in its May, July, September, or November agenda, and to provide by December 2004 a detailed public report of the size, cost, and growth of its central and campus senior-level staff structures over the past ten years, along with a concrete action plan to streamline the top administration in order to increase efficiency, reduce redundancies, and provide savings that support UC's priority of maintaining excellence in its educational and research programs.

BE IT FURTHER RESOLVED, that the GA Executive Board shall share this Resolution with the UC Berkeley ASUC, with the UC Berkeley Academic Senate, with the incoming UC Berkeley Chancellor, and with other UC campuses through the UCSA, encouraging them to join our call to the Regents and to the Office of the President for increased senior administrative efficiency.

BE IT FURTHER RESOLVED, that the 2004-2005 GA Executive Board shall ensure the formation of a campus-wide coalition committee by the end of October 2004. The coalition shall, at minimum, be comprised of two GA representatives, two ASUC Senators, two faculty Senate members, and is representative from each of Berkeley's labor unions (with delegated authority from each respective organizations) that shall be charged with continuing to research and publicize the need for senior administrative downsizing and that shall work with the UC Regents and the UCSA to achieve these goals.

Mr. Schechtman said the Resolution arises from the recognition that in fiscally tight times, budget shortfalls can be addressed in two ways: income can be increased, and they know how that's been done; and secondly, costs can be cut; and they know how that's been done. Cuts have been made to enrollment, financial aid, and to departments. Twenty-five hundred journals have been cut from the library system and they've stopped purchasing books. Sections have been canceled. However, cuts have not been made to the senior administration. This information was based on 2002-2003. As for the percentage change in academic salaries versus non-academic salaries, eight divisions have increased non-academic salaries faster than academic salaries, and in two of them, academic salaries actually declined. After having spoken to three of the major unions on campus, none had an increase over 2.5%. that the non-academic salaries come from senior administration is the assumption. Mr. Schechtman said they weren't contending with any particular salary, but the fact that 3,200 students were being turned away from the University. They're a teaching and research institution and they need to

look at the senior management structure there. Students have been denied access to information about the University Office of the President and will file a Freedom of Information suit. But they found out information about the numerous associate deans, up to the Chancellor. Senior administrators on this campus cost over \$11 million a year in salaries, and not one single position has been cut, while cuts have been made to other areas directly affecting students. The OP published a statement stating that UCOP priority is to preserve quality in student instructional programs. Mr. Schechtman they were saying that budget actions of the University contradict its stated priority, and were moving to ask the UC Regents to demand that the Office of the President deliver a report to the Regents by the end of this calendar year documenting the growth of the senior administration on all the campuses, and especially in the Office of the President, over the last ten years, and to develop a concrete action plan to downsize senior administrative expenses and to reallocate that money to the stated top priorities.

Prof. Chapela said he wanted to give additional information that dealt with his lawsuit. His lawyer, Dan Siegel, is getting a judge to get the University to say how much money was being spent on lawyers to keep minorities out of Berkeley. And they'd find a lot more money.

A motion to call the question was made and seconded and passed by voice-vote. THE MOTION TO APPROVE THE RESOLUTION FOR SENIOR ADMINISTRATIVE EFFICIENCY PASSED BY VOICE-VOTE.

The following Resolution was authored and sponsored by members of the Foreign Student Affairs Committee (Takeshi Akiba, of Jurisprudence and Social Policy; Emily Berkeley, of Civil Engineering; Susan Gaylard, of Italian Studies; and Kai Wang, of Chemical Engineering):

#### RESOLUTION TO CALL FOR UC TO WAIVE OUT-OF-STATE TUITION FOR INTERNATIONAL PH.D. STUDENTS AFTER THEIR FIRST YEAR

WHEREAS, the present Systemwide UC policy requiring international graduate students to pay out-of-State tuition for the entire duration of their graduate careers (as opposed to allowing international students to apply for State residency, as with US citizens and permanent residents), makes it unnecessarily difficult for the University of California to maintain its academic competitiveness, which requires that we admit and recruit the best graduate students in the world; and

WHEREAS, the quality of University research suffers when faculty do not have access to the best graduate student candidates, many of whom are international scholars; this inability to recruit the best graduate student researchers jeopardizes faculty members' ability to secure extramural research grants and lowers the University's overall prestige; and

WHEREAS, the University of Texas (a large, peer public research institution) and the Texas State Legislature, recently decided to allow international students with eligible visas to establish Texas State residency, for the purposes of tuition reduction, suggesting that it should be possible for the State of California to follow suit; and

WHEREAS, to alleviate their own of out-of-State tuition burdens, some graduate departments pressure international Ph.D. students to advance to candidacy prematurely, which undermines the quality of both their education and their research; and

#### RESOLUTION TO CALL FOR UC TO WAIVE OUT-OF-STATE TUITION FOR INTERNATIONAL PH.D. STUDENTS AFTER THEIR FIRST YEAR

WHEREAS, many UC Berkeley departments have made it a policy not to fund or even admit international PhD students in this current admissions cycle, because these departments simply cannot afford international student tuition, given increasing graduate student fees, non-resident tuition hikes, and cuts in State support for the UC; and

WHEREAS, granting State residency status for UC's international students will allow departments to support and reap the benefits of a world-class student body without the severe costs required under the current system; and

WHEREAS, international students have contributed countless inventions, research innovations, and other advancements of knowledge to the University community, thereby helping to drive California's high-technology economy and to improve the quality of life for all Californians; and

WHEREAS, excluding international students from the graduate student community will have the unacceptable impact of reducing the diversity and excellence of our University and its contributions to the State of California; thus the UC Berkeley faculty and student bodies will continue to support the inclusion of international students;

THEREFORE BE IT RESOLVED, that the UC Berkeley Graduate Assembly joins the UCSC Graduate Student Association in strongly encouraging the University of California to treat international students on an equal basis with other out-of-State students and waive the out-of-State tuition requirements for international graduate students after their first year.

Mr. Wang said that international students are over 20% of the grad student population. Chemical Engineering traditionally accepted several international students in the past, about 10% of the grad population, but this year, because of budget constraints,

international students are prohibitively expensive, compared to American students. It's important to have international grad students so they have the best talent from all over the world. He's not an international student and is a citizen, so he was not speaking for personal interest. Some grad students are there for seven or eight years, and by any definition, are residents, because they're involved in the community; but they have to pay out-of-State tuition and international fees.

A motion to call the question was made and seconded and passed by voice-vote.

THE MOTION TO APPROVE THE RESOLUTION TO CALL FOR UC TO WAIVE OUT-OF-STATE TUITION FOR INTERNATIONAL PH.D. STUDENTS AFTER THEIR FIRST YEAR PASSED UNANIMOUSLY BY VOICE-VOTE.

The following Resolution was authored and sponsored by Ms. Quindel:

Resolution In Support of a Simple, Open Student Activity Fee Policy that Preserves Students' Rights - 39-

RESOLUTION IN SUPPORT OF A SIMPLE, OPEN STUDENT ACTIVITY FEE POLICY THAT PRESERVES STUDENTS' RIGHTS

WHEREAS, the University of California Office of the President has released a new draft of the "University of California Policies Applying to Campus Activities, Organizations and Students," and

WHEREAS, the new student fee policy, in its current form, will severely limit student governments at University of California campuses from engaging in political activities necessary to represent the student body's interests Statewide and in their local communities; and

WHEREAS, the new policy, in its current form, will eliminate the use of referenda to fund specific student organizations and programs; and

WHEREAS, students across the State, in cooperation with the University of California Student Association (UCSA), have drafted a statement of principles that lays out guidelines for an acceptable student fee policy;

THEREFORE BE IT RESOLVED, that the UC Berkeley Graduate Assembly endorses UCSA's "Funding Student Organizations at the University of California Statement of Principles."

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the UCSA and the University of California Office of the President by the President of the Graduate Assembly.

THE MOTION TO APPROVE THE RESOLUTION IN SUPPORT OF A SIMPLE, OPEN STUDENT ACTIVITY FEE POLICY THAT PRESERVES STUDENTS' RIGHTS PASSED UNANIMOUSLY BY VOICE-VOTE.

GUEST SPEAKER -- Presentation by Prof. Chapela

Prof. Chapela said he wanted to thank people for waiting. Ms. Quindel said Prof. Chapela spoke at the New Grad Student Orientation that year. She thought that to end the year, they should hear from someone in the middle of a battle that grads support, based on previous decisions, and get a perspective from a faculty member who's been outspoken on critical issues. She asked him to talk about University and corporate control of research, and about activism, for perhaps five or ten minutes, and then open the floor to questions.

Prof. Chapela said he wanted to say that what they were doing there was highly valuable. He knew they feel that they say things and nobody listens, and nothing changes, but what they're doing was incredibly valuable and beneficial. It might be that they don't feel there are things happening, but people pay attention, especially the Administration. The GA is not told that what it does has an impact, and they'll never be told that policy was changed because of grads. He was very proud and glad to be there.

Prof. Chapela said that in that academic year, several very important things happened. Going in concentric circles from their campus to the world, they facing very critical times. Looking at their campus and the academic environment in general, very important things happened last November. The five-year

Novartis agreement ended. He was sure Delegates know about this agreement. The campus entered the agreement five years ago, with what was then the largest national pharmaceutical company. It was announced that the amount was \$50 million, but when the crunch came it was really only \$25 million. It was to be a major, pioneering, novel interaction, showing the world how a public institution interacts with a public corporation. But it ended up being a huge scandal. It was announced as a great step in furthering new science and in the end was an agreement that required a lot of secrecy, employees from the company sitting on committees, and deciding on what research got done, and what would and wouldn't get funded. That was four or five years. It was very interesting. Very little apparently happened, but the world knows about this, and the

campus has become a pioneer, but in an area he didn't think they should want to be pioneering.

Novartis, then, was gone, but not forgotten, and was now building at Harvard, in Boston, where there is very little opposition. They don't have the GA at Harvard, so nobody hears about it. So what the GA was doing, and what its predecessors have done, was very important. Novartis might be gone, but the largest building on campus, the crown jewel for this Administration's tenure, for six or seven years, is the Bioengineering building, going up behind the Math building. The campus continues to be married with the idea that somehow they are going to conquer the living world through their relationships with corporations whose business it is to conquer the living world and are in business. As the University says, when it comes to biotechnology, "UC means business." That year, too, still on campus, the College of Nature Resources, where the Novartis agreement was signed, is going to invest Gordon Lou Rouse with the CNR Citation during their Commencement. This is the Dean who brought Novartis there, and who was dragged to Sacramento so the Legislature could ask why he was doing this. So the campus continues to celebrate the idea that they cannot look after the public good unless they are in a very tight relationship with a large corporation. They continue to argue that the reason for that is because the campus doesn't have enough money. That was a big lie back then, when Novartis was presented, since the State had a huge surplus back then. Now, it makes sense and sounds true, that they don't have money, but there is a lot of money. There would be a lot of money if they didn't spend their time trying to find ways to sell their services to big corporations. If they developed business for the public good, he thought the public would feel more confident in giving the campus more money in the budget. There's a lot of money in California, no matter what. This year the very industry the campus decided to get married to has been in very, very clear retreat. In Europe, Monsanto Beyer has been closing down and running away from this promise of a fantastic paradise of biotechnology, which is not happening. Novartis itself sold and got rid of its biotechnology interests, and the campus was left with the scraps. They continue to buy into the idea that they just have to have this relationship with this corporation. However, at the same time, the public seems to be changing. The County of Mendocino passed a Resolution a few weeks ago to make Mendocino genome free. So the products of the biotechnology industry are now banned in Mendocino County. The same thing was happening for the whole State of Vermont. Several other counties around California, and in other places across the country and the free world, seem to be coming to the same conclusion: they don't want it. This was the public speaking against what the campus, as a University, seems to be hell bent in doing.

Prof. Chapela said he would be self-serving at that point. That year, very soon after the Novartis agreement was finished, the decision was reached to deny him tenure. He thought the GA discussed this a little bit. He really wanted to say that this was not about him, and this was just a little window into a major pattern of behavior in policy making at a very central level that says "thou shall not ask the questions or look where it's not comfortable for this type of relationship with industry."

How did they get themselves to that point? They could check history and go back 20 years, to legislation passed in Washington, D.C., and go to the Bush-Quayle Administration, and so on. But Delegates were too young for that, which was good. They didn't need to worry about it. He thought the reality is that they were at a huge disconnect between the public and what people on campus are doing. He really felt they were failing their public mandate. He was fighting to stay there and to be there because he didn't think it was right what many people were saying, that he should just leave the University, that it's owned by corporations, or that they should start building somewhere else with NGOs, with virtual universities. But he was sorry, and he wasn't going to let it go. This was too valuable. When the Chancellor says that this used to be a public university, and then it became a publicly supported University, and now it's only a publicly located University, which was said that year, officially, Prof. Chapela said his response was, "No way." The fact that they're getting \$25 million from Novartis doesn't mean anything with regard to the infrastructure, or the hundreds of years of accumulated investment of public interest in this University, and it's worth much, much more than any investment that any corporation might bring into the Engineering school or the Business School. It was a big mistake to just say, "let it go." It's really worth rescuing for students, and the people who are coming behind them.

Prof. Chapela said the way he looked at this is not that they were facing a budget deficit, but he thought it was really a deficit of imagination. He thought people in power right now just don't have ideas of what to do. They were, he thought, at a moment of crisis for defining what the world should look like. It a really important, interesting moment, where at least two worlds can be seen. In one of those, the world that came there with Novartis, and continues to be around in other forms, he should be an entrepreneur. Every year he'd have to report on what happened to him that year, with space to put in any publications and another, equally big space, to fill in what his patents were that year. He's supposed to be an entrepreneur, thinking of what can be patented, in order to make business with it. In that world they are potential employees, and that's all they can aspire to. If they think the thing there at the campus was to create wisdom makers and thinkers and to generate any critical analysis, it's abhorrent to abide in a world where all they can hope to be is an employee, and worry about their salary. He was sure everybody in the room found that to be abhorrent.

In the opposite world, they are the bearers of wisdom for society, the bearers of vision making, and the bearers of the future. He really wanted to fight for that world. He really thought they were at a moment of at least two very different world views, fighting against each other. Grads will hear many times, and related to his tenure case he's heard it many times, that "the system works." It just doesn't quite work in this occasion. But they have all the levers to make it work. It's funny because just that day he heard Defense Secretary Rumsfeld on the radio say "the system works." The abuses in Iraq were spotted brought to the public's attention and looked at immediately, so "the system works." But the system doesn't work. They really have to live with the reality that it's not really working well, and that they cannot take for granted what people think are their rights, and the things that were won for them in the '60s, or when the Constitution of the nation was written. Right now, that was being threatened, basically. The system was not working,

and there was no way they were going to make count what they thought were their rights unless they fight. He thought they were at a time when there was a deep need to do that, to fight.

Prof. Chapela said it was good to be there and was good to see so many people stay past 9:00. He thought it was a great sign, and would ask them to fight again, together. He wanted to thank them. Ms. Quindel said she wanted to thank him. (Applause)

Mr. Garcia said he would like to thank Prof. Chapela for speaking and for being patient while the GA conducted its business. He read a lot about the tenure case and only learned that evening how tenure decisions were finally approved at the University. He had always naively assumed, as an aspiring professor, that the decision would be made within his department, and approved by his dean. He asked if it was the regular pattern for a chancellor to make the decision, or if, at other places, the president could overrule the decision of one's peers. Prof. Chapela said that in the case of the University of California, the rule is that the tenure decision, and any promotion decisions, are the personal privilege of the chancellor. Everything else is a recommendation. Normally, the department carries most of the weight. If the department was unanimous or almost unanimous, as in his case, it's approved pro forma. But the Chancellor has the right to overturn anybody and everybody. It's a monastic decision, and this was a monastery, and it's the big monk that makes the decision.

Mr. Garcia said the Chancellor, in the end, is approved by the President of the University, so the Chancellor is not responsible to anybody but the President. Prof. Chapela said there is the administrative chain of command from the Governor, to the Regents, the President, the Chancellor, deans, and chairs. And then there's the Academic Senate governance that comes from the bottom up. The Academic Senate positions are voted in and the Administration is appointed.

Ms. Quindel said that to add to that, they have the shared governance model in California. In Wisconsin, they have a shared governance model where students have an equal voice, and it's a tri-share. So that would mean that the UCSA would have an equal share with the Academic Senate and the Administration.

Ms. Odusanya asked how he would propose that grads tackle this problem. Prof. Chapela said that he would trust that if they saw what was happening, they'd stop it. But the trick is, they don't see it. So what one must call for, and what is supposed to be true, is that the process should be transparent. If they had real transparency, they would be outraged by the fact that nobody knew that Novartis was coming until he was told. He was the faculty representative of his college, 120 faculty, and he was told a half hour before it was announced. He was called in by his dean and told they were signing a \$50 million agreement. If people had known about it, it wouldn't have happened. Prof. Chapela said that he would trust that people still have a sense of right and wrong, at that level, and if they push for transparency, many things would be very different.

Mr. Amon said that in his short, but advancing career in the GA, he had to say that this issue struck him as being very central, much more so than similar types of issues the GA has addressed in the past couple of months. He had been planning to ask what grads can do to proactively deal with this, but that question was answered pretty well. This could be an issue for next year's GA if people agree, and he wanted to thank Prof. Chapela for his vote of confidence. He asked how they would make policy more transparent. Prof. Chapela said it wasn't just policy, but the actual proceedings. Ms. Quindel said that would include going to Regents meetings and holding up signs telling the Regents how they feel, and being part of the decision-making process, and not only being reactive to the decision being made. Prof. Chapela said they should demand to at least see what was happening. If the process was transparent, he'd ask how come people didn't know about this, and why he didn't see what was happening. How come they still don't see why one guy was being retained and another guy wasn't. It's becoming engaged.

Ms. Quindel said that if people were interested in working on the tenure campaign, they should let her know. People were working on that, and are meeting on Friday.

Prof. Chapela said the situation was so desperate that if they try to get the Chancellor to take any position on anything and ask, in his case, why he made this decision, since it was really his, they are sent to a professional PR guy, Mr. Straight, and told that Mr. Straight will deal with it. He asked how is it that the Chancellor could be represented by a PR person. If they look at the chronology of how decisions happened in his case, it was all yes, yes, yes, waving the case through, until it came to the Chancellor, who said "no."

Mr. Amon said having a forum with the Chancellor was a difficult problem for most of them. He asked how they could become more active in addressing the more central issue of ownership of the University, decisions made, and who they sell themselves to. Prof. Chapela said there are many people who should be engaged. And there are things they can't do. For example, in recapturing the University, the Legislature should be really engaged. But the Legislature was not engaged, for different reasons. There could be conflicts of interest. But one reason is that things are not transparent. If legislators were confronted with reality, as with Novartis, with a story in the "Atlantic Monthly," they couldn't just pass it by and say they didn't know. They have to trust that the Legislature was still somewhat actionable to their constituents.

Mr. Garcia said he didn't think the public was aware of what these issues are. With food there are many valid concerns, but with bioremediation by bacteria, people don't know what they're talking about and are afraid of nothing. He asked Prof. Chapela if he thought the public was even really aware of what's in their best interests. He seemed to be hinting that because the public was scared of GMOs, that it's in the best interest of the University not to carry out this kind of research. But he didn't think it's clear that that was true. Prof. Chapela said he took issue with the question's wording whether the public knew what's best for itself, or if they need a father to tell them what's right. He absolutely disagreed with that, and thought the public knows what's good for them by definition. If the public is afraid of GMOs for religious reasons, or because they think it's voodoo, even though it might not be, that's it, it's a religious decision, and religion carries

with the public as much as anything else. There's no reason why a scientist who understands the nuts and bolts of DNA should impose his worldview on people who want to live by religion. He was pushing that to the extreme with that situation. If they believe it was a good idea to have the public understand what this was all about and go along with it, the role should have been for the University to bring this into the public domain so people wouldn't be afraid, if there is no reason to be afraid of it. So they didn't do their job. And now they're stuck with a situation where, because they didn't do that job and refuse to do it to this day, the public has lost trust in anything they had to say. He thought that was very clear in policy, especially in Europe, where people at least know a little about this. Here, people are left in the dark, and it's almost conspiratorial, when they look at it. A study with David got the front cover on Newsweek International, which goes all over the world, except in the US, where the same Newsweek didn't carry a single line about it. So in other parts of the world, where people know more, one will discover that scientists and academia have a lot of credibility. But here, they didn't do that job. So they come to the same problem, in that they have forgotten who they are working for. It's not about GMOs.

Mr. Garcia said that if the University or somebody doing research thinks it's a good idea, but there's a public outcry, he asked if it was that person's responsibility, then, to educate the public about the issue. Prof. Chapela said that was correct.

Ms. Sanyal said that his case points to a certain power imbalance in the sense that invariably, private donors are large corporations who donate and expect the University to be answerable to them. Talking about the issue of transparency doesn't go in the opposite direction in the sense that now they're discussing how and why these things come about, and why didn't people know about this. So his question was whether they want to engage in a broader movement. A lot of times money does come with strings attached. He asked if they want a broader movement, to make private organizations and their donations or research funding more answerable to students.

Prof. Chapela said that was a hard question. It talks about doing stockholder resolutions driven by students. Politically, one key as an individual is to be serious about who they are and to represent that. So he felt he couldn't be convincing or do anything with political impact by pretending he's a student or that he's a child. But there are things that can be done, and things that are much harder to do. Moving stockholder resolutions from a student perspective was really hard. He wasn't saying that was bad, and wasn't saying that this couldn't be linked to stockholder resolutions for the right causes. But there's a limit as to how far they can go with opening up a private corporation with transparency, and how much they'll give in trade secrets and patents. There are things that corporations want to keep to themselves. He saw a different target. He thought money, per se, was not what carries the influence, but rather, the way it's deployed. If they had a strong Chancellor or strong, student-driven faculty, that would be great. If all the companies in the world poured their money into here, a strong Chancellor could say they really need to support Music and English, and will use these millions to build up the humanities and the liberal tap. The Chancellor, then, would be playing a really important filter role, allowing students, faculty, alumni, and others, to influence his decisions, and that's what would

drive the distribution of those funds, based on the mandate of the University, not based on the mandate of the corporations. So the problem is, when you come to the bottom line, the corporation has a mandate that is antagonistic to the mandate of the University. So they need a filter; and that was very achievable there, something they could easily achieve at this University.

Mr. Gerrades asked if he could elaborate on what he thought was the appropriate balance between openness in a tenure track process with the danger of many professors perhaps not wanting students to be able to review all aspects of their files. He seemed to have the view that the public always knows what's in its best interests. Mr. Gerrades asked about the reverse case, where the public, for many, many years, was happy to have X-rays taken everywhere, such as to fit shoes. If they had known about the danger, whatever their best interests, they might have done it anyway, because they wanted to do it. He asked if Prof. Chapela was saying there's no case where the public can be ignorant and not desire things that aren't in its best interest. Prof. Chapela said the public says what's right in the same sense that the customer says what's right. That's why they have representatives, where decisions can be made much faster than reaching every single citizen when something emerges. That's why they have a Congress and a Legislature. You cannot go out and run ballots all the time. He hoped he wasn't being too simplistic.

Mr. Garcia said this would be tempered, then, through representatives. Prof. Chapela said it was through institutions. Mr. Garcia asked how they balance openness in the tenure process. Prof. Chapela said he'd ask "Why not?" Students have a lot to say about evaluations, which count a lot. So he'd ask, why not? It should be an open book. He knew it wasn't simple and could get complicated. Sometimes on is unpopular but was doing something really important, and that had to be taken into account. If people pass opinions openly, there would be retribution. So there is a point for privacy, just like with a private life. That's why bathrooms have doors. He thought there was a point to privacy. The problem occurs when privacy is abused, and there's a use of secrecy. The other thing is that privacy is a privilege, especially at a public university. They're given the privilege of privacy, but the way it's handled in his tenure case, as well as others, that it's taken to be a right to secrecy. It's a subtle difference, where the trust is. If they use the privilege of privacy properly, people will recognize it and respect it. But if people abuse it as a right to secrecy, that's abuse, and that's where they are. He thought they were abusing it as it is, as it was a right to secrecy. They have no right to secrecy in a public institution.

Mr. Wang said it was mentioned that Prof. Chapela would want a strong Chancellor, and asked if he had someone in mind, as an example. Prof. Chapela said he didn't know, but that was out of ignorance, and he was sure there must be some. He would imagine Clark Kerr was a strong Chancellor. Many people say Chancellor Tien was like that, somebody out to get money, but who, once it was turned back to the University, asked about its use, who remembered the motto of the University, its mission, and who its owners are, and used the money raised around the world for such purposes.

Mr. Wang said patents were also mentioned, and he asked about patent rules at the University, and if that was an important part of research or something the University shouldn't be concerned with. Prof. Chapela said that was a subject for about an hour's worth of discussion. He was worried about expressing things in simplistic ways that get him into trouble. He recognizes that patents are important. It's difficult to make career evaluations of individual faculty, and of how types of programs evolve, when patents can operate in a department through not allowing work to be published until a patent has been filed. That applies to grads' papers. Once they start making the mission of the University contingent upon the necessity of these patents, they're in trouble. And that started for the whole academic system with the microbial act of 1982, which has generated enormous damage in the academic system. It has affected things as deep as what types of students they admit, which faculty they hire or retain, and what types of programs they promote. The whole face of academia has changed since passage of that Act.

Mr. Wang said it was mentioned that it was all pros for his tenure until it got to the Chancellor. Mr. Wang said he was sure there was no personal vendetta of the Chancellor against him, and asked if he could speculate on the reason the Chancellor rejected his tenure. He said that Prof. Chapela demonstrated strong passion, and asked if he thought his passion might sometimes be perceived as being combative, which might have made some people nervous, and if that was a potential cause. Prof. Chapela said anybody can speculate. They've had long conversations. He didn't think it was his personality. If his personality was passionate, he didn't think he was threatening. He wasn't bad at faculty meetings. He might be passionate, but he wasn't nasty. He didn't think it was personality, and it shouldn't be. As for why, he didn't know why. He asked what would drive a historian to overrule experts in an environmental sciences case. He didn't know. He would note several different things. He noticed that their Chancellor has decided to have the crown jewel be the Bioengineering Building, and would note that the Chancellor signed an agreement with Novartis. He would note that some of the most powerful faculty on the campus are people who are married the worldview and the idea that the world will be changed with biotechnology. There is something called the "Chancellor's Council on Biology," he believed, which is unanswerable to anybody. The Chancellor was welcome to take views from whoever, but this was a small group of very influential and powerful people. He would speculate that the influence on the cases comes from that general area. He thought they were going to find out, and that's where the lawsuit was useful.

Mr. Schechtman said that in his research for a Resolution, the information on the University he was looking for was in the public domain, according to the University archivist, but three times the University Council's office declined to give them the information they wanted, under the rubric of information privacy, even after they structured the request so that no individual salaries would be released. They're refusing to the point where it's become secrecy. Fighting for transparency at a public University should not be how decisions are made, and that's something the GA should consider as a whole next year.

Ms. Gaylard asked if there was anybody who could challenge the Chancellor's decision, or if there was any history of the Chancellor's decision being challenged formally or informally, swaying his choice. Prof. Chapela said there's a power imbalance, and they're supposed to have power, but were always denied. Ms. Gaylard said that in Congress there are checks and balances, where people can overrule decisions. She asked if the Chancellor has overall power such that nobody could challenge his decision. Prof. Chapela said the California Constitution creates a very interesting legal bubble around the University, where many rules that apply outside the bubble don't apply once inside. So internal rules of the University are very important and powerful, and those rules endow the Chancellor with almost absolute power. Having said that, the Chancellor is open or sensitive to pressure. For example, the Regents saying something strong to the Chancellor can have a lot of impact. Having the President say something, and the Legislature, and having a few students say something, believe it or not, in a coordinated, clear, and forceful manner that cannot be denied or swept under the rug, can have enormous influence. That includes alumni. So the Chancellor is an incredible authority, but is also prone to a lot of influence from a lot of places. That's why he reaches decisions in such a weird way.

Ms. Quindel said there was a recent example where students influenced the Chancellor's decision. The numbers of underrepresented minorities undergrads admitted was recently released, but the number of blacks was 30% less than last year, when it was really bad. So a group of African American students from the Recruitment and Retention Center met with the Chancellor regularly, since the numbers came out, and the Chancellor decided to fully fund outreach and to forgive the ASUC debt to fund the R&RCs. And the Chancellor also has other plans, not open yet, to address these issues. The Chancellor would never have done that if the students hadn't pressured him; and all that occurred this month.

Ms. Gaylard said that it sounded like students and faculty groups can have influence, and asked if there was any movement to address this in a more formal way. Prof. Chapela said that as for changing the rules, there wasn't. He didn't think that would happen. When it's abused, it's prone to serious abuse. His rule of thumb used to be that the Chancellor only moves because of money, scandal, students, or alumni. Alumni mean money and , newspaper articles. Faculty are not as powerful as people would think. The GA often tends to be a lot more powerful in short-term decision making. For long-term decisions, he thought faculty, the Academic Senate, might be more powerful than the GA. But in the short-term, it's really the observation that what happens at the GA was not much less important in immediate decisions on campus than what happens in the Academic Senate, amazingly enough.

Ms. Quindel said she would like to thank Prof. Chapela for attending the meeting. (Applause) She said that if people have additional questions that they want to ask Prof. Chapela, they should feel free.

Ms. Quindel said she wanted to thank the Delegates, and noted that this was her last meeting. (Applause and standing ovation)

This meeting adjourned at 9:50 p.m.

These minutes respectfully submitted by,

Steven I. Litwak  
Recording Secretary

Resolution to Promote Graduate Student Interests In LRDP Comments (as amended at the meeting)

Whereas, University transportation for members of the UC Berkeley campus community is not adequately coordinated with municipal transportation (AC Transit, BART), and efforts should be taken to improve timing of campus perimeter schedules with City transit systems, to improve efficiency, convenience, and night safety; and

Whereas, off-campus University housing for graduate students is currently too expensive for the majority of graduate students, and more affordable options must be considered if recruitment of the best graduate students to UC Berkeley is to continue; and

Whereas, the I-House seems to be an exemplary model for graduate student housing, as it provides transitional housing for many doctoral students and permanent housing for many masters students in 1-2 year programs; therefore the success of the I-House (as both a residence and a graduate community) should be studied and used to guide future graduate student housing projects; and

Whereas, quality of graduate student life should be a major focus of any upcoming fundraising, particularly if UC Berkeley is to maintain its current quality of graduate student scholars; therefore future fundraising campaigns should include attention to graduate student housing, in addition to graduate student fellowships; and

Whereas, many of the above considerations are missing from both the newly-released LRDP and the ASUC comments on this report;

Therefore Be It Resolved, that the Graduate Assembly Academic Affairs Committee will work with the GA Advocacy Committee, the Executive Board, and the

ASUC to draft a comment on the UC Berkeley Long-Range Development Plan and Impact Report, to be completed by June 2004 and submitted to the Chancellor, appropriate administrators, and Academic Senate committees, that reflects the particular concerns of graduate students on this campus.