

## GRADUATE ASSEMBLY MEETING

October 2, 2003

### SUMMARY OF THE MEETING

- [Heard general announcements, including from UAW Local 65 regarding a strike.](#)
- [Heard and approved a report from the Executive Committee, including approval of allocations for clean-up and a response to the ASUC Judicial Council's ruling on GA members on the SOB.](#)
- [Heard a presentation from Chancellor Berdahl.](#)
- [Heard a report from the Funding Committee and approved Round 2 of Grad Events and Round 1 of Projects and Services.](#)
- [Approved suggested budget allocations from the Executive Board.](#)
- [Approved the Resolution Calling on UC Berkeley to Address the Particular Mental Health Needs of Graduate Students.](#)
- [Approved the Resolution to Address the Particular Needs of Graduate Student Parents.](#)
- [Approved, as amended, the Resolution Requesting the Graduate Assembly Co-sponsor a Rally for Affordable Housing for Graduate Student Families In October in Sproul Plaza.](#)
- [Considered the nomination of Ms. Quindel as the GA representative to the Store Operations Board.](#)
- [Heard a report from the Business Manager on Prop. 54 activities.](#)
- [Heard a report from the ASUC Senate's representative to the GA.](#)
- [Heard reports from Officers and fund the GA's Grad Council representatives.](#)

This regular meeting of the Graduate Assembly was called to order by Jessica Quindel at 5:34 p.m. in the ASUC Senate Chamber. Ms. Quindel said she would like to welcome them to the second GA meeting of the year. She wanted to make a few quick announcements. First, she wanted to welcome back all the people who were there before, and if this was their first time, she wanted to welcome them to the GA. Secondly, she would like to remind people that this may be a very lengthy meeting. She herself is a teacher and was missing "Back to School Night," where she would like to be. She wanted to give people a heads-up that this meeting would probably last until 7:30 or 8:00,

with the Chancellor coming and the number of issues and Resolutions they had on the table.

Ms. Quindel said she would pass out comment cards, as she always does. The cards were for feedback, which was very important so they can make the meetings go better and so people get the information they need to represent their departments. She wanted to make sure everybody signed in when they entered and that they vote if they're a certified Delegate. Mr. Cantor, the Departmental Liaison, will talk a little about that later.

Ms. Quindel said she wanted to say that there have been a lot of things in the news about the GA's Prop. 54 allocation from their last meeting, and they'll discuss that during the Manager's report, item number VII. So if people have questions about that, it will be discussed at that time. The GA will give a presentation about everything that's going on and answer any questions people have about the issue at that time.

Approval of the  
Agenda

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### APPROVAL OF THE AGENDA

Ms. Quindel called for a motion to approve the agenda. It was so moved and seconded.

Mr. Bailey moved to add to the agenda the issue of GA autonomy and the nomination of their President as a Board member of the Store Operations Board. Ms. Quindel said she would add that New Business, as item G, if the motion is approved. She called for any objection and seeing none, said the item would be added.

Mr. Furmanski asked if the item on GA autonomy was to just talk about the issue. Mr. Bailey said there was an ASUC Senate meeting on Wednesday. The GA's President was up for nomination to the SOB and there were some problems with that. The GA needs to talk about that. The issue was related to the refusal of the undergrad body to allow us the GA its autonomy and to pick its own leaders for its own representation.

Ms. Quindel called for any objection to adding the item to New Business, and seeing none said the item would be included. She called for any objection to approval of the agenda. **THE MOTION TO APPROVE THE AGENDA, AS AMENDED, PASSED WITH NO OBJECTION.**

### APPROVAL OF THE MINUTES

Ms. Quindel called for any objection to approval of the minutes from the September meeting. Mr. Akiba said that on page 16, the third paragraph says "Mr. Akiba asked if she could explain the By-law...", and should read "Mr. Akiba asked if he could explain..." In the same paragraph, the minutes say "As long as a request for assignment to a committee had one to 15 people, everybody would get their first preference." The minutes should read "As long as a request for assignment to a committee had one to five people..." On page 21, the second paragraph, the minutes read that a "simple majority" was needed to amend the By-laws, and should read a "super majority."

Ms. Quindel said that on page 8, the minutes read that she asked how many people like "safe" energy, and the minutes should read "clean" energy. On page 13, the minutes should read that only "one out of 19 deans is a woman," not "one out of nine." On page 19, Ms. Quindel said the minutes state that "Ms. Quindel said the ASUC was asking the GA to spend \$26,000 for ASUC elections when the week before, the GA was told that the cost would be \$9,000." The minutes should read, "Ms. Quindel said the ASUC was asking the GA to spend \$26,000 for ASUC elections when the week before the election the GA was told that the cost would be \$9,000." On page 20, the minutes read that the Elections Council new the budget was "\$20,000," and should read "\$25,000."

Mr. Akiba said some Delegates had a concern as to where the minutes were. Ms. Quindel said if people didn't get a chance to look at the minutes, they could still make amendments. They'll make an announcement about having them online. They'll make a few hard copies available so people have a chance to look at them. People could also correct the minutes from previous meetings.

Ms. Quindel called for any objection to approval of the minutes. THE MINUTES OF THE SEPTEMBER 2, 2003 MEETING, AS AMENDED, WERE APPROVED WITH NO OBJECTION.

Approval of the Agenda  
(cont'd)

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#### APPROVAL OF THE AGENDA (cont'd)

Mr. Cantor, Departmental Liaison, said he would like to welcome them. He wanted to respond to in sense that he got from the first meeting that a lot of people were confused, a little frustrated, and felt a little disempowered about

their role as a GA Delegate, specifically on three issues. First, he wanted to say that the first issue was just politics in. It seemed there is a sense that people were uncomfortable venturing into the realm of politics. He wanted to let people know that the GA does a huge amount on the social side, with a very successful Grad Social Club and a plethora of projects, political stuff, and business aspects of the GA. The GA convenes to allocate money which, itself, is a very political question. There's no reason to come together as a body to allocate money if they don't try to achieve something social with that money. They're student government and they're political, and they should be comfortable with that role because that's a part of their role. The flip side from the social are the support services that they provide.

Secondly, Mr. Cantor said he was a little worried that people were frustrated when there's an order of business that doesn't particularly interest them. There's a real diversity of issues and processes that occur so the GA, as a body, can operate. Not everything on the table may interest them at some point, and if they feel the discussion was not something they need to be engaged in, they can disconnect from it, go for a walk, step outside, get some food, and take time so they're personally comfortable with that. They'll be there for a while and they need to go through some stuff so the GA can function as a body. It's not a waste of their time and was training. There's a lot of stuff going on and Delegates may not be interested in everything, but they should try to be there, and should also feel free to disengage if they don't feel they need to be party to a particular order of business. Also, regarding representation, Mr. Cantor said he really hoped that people feel comfortable representing their departments and constituencies. The way a representative body like this works is that they need to come prepared and feeling empowered to speak for and against motions on the floor and items that are discussed. When people express things, Delegates should feel they can debate an issue. People have said they're not comfortable or are a little worried whether or not they're empowered to speak for or against an issue as well. People should realize that if they feel they don't know how their department or constituency felt about a political issue, they could step back, let other people frame the issue from their points of view, and see what other opinions there are in the room. But he would ask them to please give orders of business a chance to actually be debated thoroughly. The only time they should say they don't want to debate is if they actually want that issue off the floor, if they actually think their constituency would be so uncomfortable with the issue that rather than taking an issue for or against, they'd say this is too uncomfortable an issue and they'd rather not deal with it.

Lastly, if Delegates have any questions, Mr. Cantor said they could contact him, something people haven't been doing. Mr. Cantor said there's desert in the back that was now available, so if they need a break, they could get a piece of really good pie.

## ANNOUNCEMENTS

Ms. Madon said she wanted to introduce Robeson Taj Frazier, their Media Coordinator, who will coordinate press releases and news items that reflect the activities of the GA for the rest of the month when

Announcements  
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Delegates are not in session. She also wanted to have people look at the Web site to read the press releases Taj is writing. The Web site is at [ga.berkeley.edu](http://ga.berkeley.edu)

Ms. Molina start the External Committee wasn't presented and needs membership. It will support efforts of the External VP, her, around the UCSA Action Agenda items. The primary effort is to lobby heavily regarding the next allocations to the California budget. If people want more information they could go to the Web site and check it out. Also, regrettably, their Legislative Liaison resigned. The work was a lot compared to other things, and they were really sad to loose him. The position was now open. If people want to apply to work on analysis and lobbying, they'll put an ad on the Web.

Ms. Molina asked people to please remember to vote on October 7 and get everybody else to vote. The last time they had contest to get people registered to vote, and Mr. Valleé won, registering about 100 people more than the person after him and will have a full meal with a guest at Café de la Paz. (Applause)

Adrienne Pine, Recording Secretary for UAW Local 65, introduced herself, and said she had some really serious announcements. If they haven't heard, their contract negotiations broke down on Tuesday when the contract effectively expired. So right now, those who are working as GSIs, readers, or tutors, are

working without a contract. It expired because of the University's unfair and unproductive labor practices. In effect, the Union had to file over 64 unfair labor practice charges against the University. These keep building up, and they're now at over 70. On top of that, in the final hours of contract negotiations, the UC in a really sneaky manner, tried to buy their rights off. The University demanded they ignore the unfair labor practices, withdraw standing grievances, and abandon their arbitration which would have given them fair and legally binding protection on workload disputes.

Also, and most importantly for us the Union right now, Ms. Pine said the campus demanded that the Union give up its freedom to engage in sympathy strikes. What that meant effectively is that if another union on campus strikes because the University was breaking the law, Union members would be obliged to cross picket lines. In effect, that would bust their Union and bust all the unions, and would erode completely their ability to negotiate for fair wages, for fee remissions, health care benefits, things the Union has won and things they're fighting for as well.

As a result of that really sneaky attempt to buy them off, they, with the authorization of the membership, are calling a strike for Friday. Those of them present who are members and who are on the e-mail list should have received the e-mail detailing this. They will picket all day on Friday, from 7:30 a.m. until 5 p.m. on Bancroft and Telegraph. Ms. Pine said she'd pass a sign-up sheet and needed them to sign up for one shift at least. She really needed people to go and tell people in their departments to come out and make sure people know that they won't stand for this kind of treatment. GSIs, readers, and tutors are workers and not children, and they need to be respected. It's a porous picket line in case people were wondering about the mechanism of the line. That means people can cross the picket line if they're going to classes or the Library. But GSIs, readers, and tutors should not do any work that's related to being a GSI, reader, or tutor. If they do even a little work, that's a partial strike, and they're not legally protected for that. However, they are legally protected if they're engaged in work stoppage completely, and the Union really needs Union members to do that. She said she could take questions briefly.

A Delegate asked what they should tell people when they're asked why they're on strike. It was understood it's not about pay and money, and sympathy strikes were mentioned. There was also something in the paper about grievances if one was asked to work over 20 hours. The question was what other reasons

there were for the strike. Ms. Pine it's a was involved in against unfair labor practices, and that's what they're legally allowed to strike for, and what the membership voted on. The 64 unfair labor practices they filed last year include regressive bargaining and refusal to bargain. "Regressive bargaining" means the University would put a proposal on the table one week and take it off the next week. They're not allowed to do that in bargaining legally. Refusal to bargain includes the no sympathy strike proposal, which wasn't even really a proposal, but a bottom line, a condition. The University said it wouldn't sign any contract unless that language was included. The Union isn't stupid and they know that language would bust the Union. Ms. Quindel said she would entertain a motion to extend speaking time. A motion to extend speaking time by four minutes was made and seconded and passed with no objection.

Ms. Molina said that GSRs weren't mentioned on the list of positions not covered by a contract. Ms. Pine said they are currently covered by UAW. That's something we hope to change. They won a really important piece of legislation and hopefully in the future they'll organize GSRs. But right now they're not legally protected to strike. Nevertheless, the Union encourages people, whether they're GSRs or not working, to come out and join the Union on the picket line, as the Union needs to show the University that lots of people care about the treatment of GSIs, which also affects the treatment of GSRs, whether they're covered by the contract or not.

Mr. Valleé asked if the 64 grievances are on the Web site. Ms. Pine said they're not. They form something like a really thick book. It comes from all of their bargaining nodes, and if they really want to see them, the grievances are filed at PERB, the Public Employment Relations Board in San Francisco.

A Delegate said there are a lot of questions in his department about how the strike was communicated. Most people didn't find out until the morning by the word of mouth. He would also ask how it was authorized. Ms. Pine said it was authorized last spring. They'd they had an authorization vote and were out there in front of Dwinelle. The reason he didn't find out about it until that morning was because it was only yesterday they were forced to make that decision, in the early afternoon. They wanted badly to settle this contract and not have to do this. This is a terrible thing for them to have to do, and it will

really hurt the University. They're aiming to shut down the campus, and that includes clericals or anybody who could and should respect a picket line. They're asking everybody to do that. It's not something they want to do. It's something they've been forced to do because of the University's illegal practices.

A Delegate asked for an example of a University practice causing a grievance for being an unfair labor practice. Ms. Pine said one example she gave was the no-strike proposal. It was not put forward as a proposal but was put forwarded as condition without which the contract would not pass. So the University has refused to bargain over it, which was silly.

### General Announcements

A motion to extend speaking time by two minutes was made and seconded and passed with no objection.

Ms. Khanjari said that for the last few years the campus has put on a production of "The Vagina Monologues," put on by the Gender and Equity Resources Center. They're putting it on again are looking for people to participate and act. For those who are interested, auditions will be on Friday at 4:00 and Monday at 6:00, in 202 Cesar Chavez. People don't have to come prepared with anything and people

Announcements  
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who are auditioning will be given a small script. Judgments will be based on people's enthusiasm and ability to articulate. So she would encourage everybody to go out and be involved.

Ms. Felarca said she is in the School of Education and was a GA Delegate last year. She left some fliers at the front that she would like to draw people's attention to. She's with an organization, BAMN, an affirmative action group, and they're asking the GA to help them with a campaign to try to deprive the right-wing of its number one spokesperson, Ward Connerly, and to call on the

Board of Regents to remove him. In *Grutter v. Bollinger*, the affirmative action case at the University of Michigan, through their efforts, the students won and upheld affirmative action. Nationally, Ward Connerly is now trying to bring a Prop. 209-style ballot initiative to Michigan to reverse that, along with along with Prop. 54. If Mr. Connerly does these things, he should not have the right to use UC's name to try to legitimize his campaign, which works against the students of the State of California. Ms. Felarca said she'd pass around a petition they'll ask the GA to please support as a body, and to sign on to a boycott of Coors Beer, which has been one of Ward Connerly's main financial backers. The fact sheet she distributed had a lot of information. One last note, Ms. Felarca said she's also an ASUC Senator and one of the liaisons from the ASUC, and she wanted to let the GA know her personal feelings. She thought the GA has been a target of what looks like a political witch-hunt, in her opinion, regarding everything around Prop. 54. She thought that was outrageous and that it was important that the GA unite and defend its Officers as well as themselves. She was also disturbed that it looked like the Administration was trying to take advantage of this witch-hunt to try to take over and reduce the autonomy of student organizations like the GA and the ASUC, and she thought that was important. She wanted to lend the GA support, personally, and said there were some of them in the ASUC who recognize what's going on, and will do all they can to aid in the GA's efforts.

### Report from the Executive Board

Ms. Madon said she's a member of the Executive Board and would give the report. She wanted to give an informational item that doesn't need to be approved by Delegates. At a previous GA meeting, Mr. Kashmiri talked about the role of the Executive Board in the GA, and she wanted to go over that so Delegates have a better sense of what the Executive Board does. They meet every week and debate issues, expenditures, and policies on a weekly basis. She'd inform the Delegates of the views of the Board, its recommendations, and the reasons behind their recommendations. Not every academic, political, or financial issue can be discussed at the monthly Delegates' meetings and sometimes they have to act on a shorter timescale than month-to-month. So the Executive Board was there to handle issues that come up in the interim. They plan to submit a statement of the pros and cons of arguments and the reasons for their decisions and the arguments.

In terms of their report, which was in the agenda packet, they had a re-organization of the home of the GA, Anthony Hall. So the Executive Board recommended spending \$500 to hire people to complete its clean-up. They also recommended the drafting of a letter to the Department of Financial Aid regarding international students fees. The following week when they met, they again recommended that \$500 be allocated for the second of the two-phase clean-up. They also deferred to New Business, Item G), a discussion of the ASUC Judicial Council ruling regarding the Store Operations Board. The final Board recommendation to the Delegates is that they hold elections for the Finance Committee Chair, an elected position, at the GA's next meeting, so Delegates have a sense of what the commitment is and what the chair is expected to do. She called for any questions.

Report from the Executive Board  
(cont'd)

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Mr. Valleé said that also in their packet, under Mr. Cantor's report, there's a description of committees, such as the Funding Committee, which funds groups, and the Finance Committee, which oversees budgets.

Ms. Quindel said it's the Delegates' responsibility to object to any portion of the Executive Board's report in its entirety. She called for any questions, or a motion to approve, or an objection to approval. She called for any questions about the report and called for any debate or a motion. A motion to approve the report was made and seconded . THE MOTION TO APPROVE THE REPORT OF THE EXECUTIVE BOARD PASSED WITH NO OBJECTION.

#### PRESENTATION BY CHANCELLOR BERDAHL

Ms. Quindel said she would entertain a motion to table the report from the Funding Committee and to hear from their guest speaker, Chancellor Berdahl. It was so moved and seconded and passed with no objection.

Ms. Quindel said she would like to welcome Chancellor Berdahl to the GA meeting. She put out a call for questions for Delegates and grads generally, and compiled a list of questions. She tried to order the questions in topics that were as diverse as possible, so they get through the different topics. Some people

had numerous questions and they could go back after that going through them initially. They have about five minutes for the Chancellor to say whatever he'd like to grads and then go to questions, and then have a few minutes at the end for any follow-up questions that any Delegates or members of the GA have. With that, she wanted to welcome Chancellor Berdahl, who was resigning in June. She was very sad to see him go. He's done a great job there and has really made some big strides, especially with the Library, which she thought really benefits grads. Also, during his tenure three major research initiatives were begun, including the Health Science Initiative, the Center For Information Technology in the Interests Of Society, and the California Institute For Quantitative Biomedical Research. She would also commend him for work on the strategic academic plan, in which he actually made revisions that included a number of issues that had not been brought up by the Academic Senate. She would like to welcome him there.

Chancellor Berdahl said he really didn't have a lot to say up front, and thought probably the most useful thing would be to get to the questions that they have. He would just say that he really appreciated the role of grads, and hoped to get back to teaching grads in a couple of years. So he'll perhaps be working with some of them in a somewhat different capacity. But in any event, it was good to be there. It seemed like a bigger turnout than usual for the GA. He couldn't believe that was for him, and they must have a lot of stuff on their agenda that evening. He called for any questions.

Ms. Quindel said the first question is that given certain inherent differences between undergrad and grad education, how would he articulate the need for representation of the two groups of students, each by a separate and autonomous student government. Chancellor Berdahl said it depends on what is meant by "autonomous." There was actually no such thing as an "autonomous" student government because they are part of the University, and as students in the University, the campus obviously has an interest. Historically, the GA and the ASUC have been basically closely linked, with the ASUC as the official student representation, which includes grads. There have been times when a grad has actually been President of the ASUC. He was pretty much an agnostic on this matter at that point and was willing to hear arguments

on either side. He didn't personally think that it's a big deal, because the GA is a separate body for all intents and purposes. He meets with the GA and the meets with the ASUC Senate. He didn't see a great advantage in the separation. Basically, the ASUC has historically opposed separation. So they'll hear arguments on both sides. If they want to spend the rest of his time giving him those arguments, he'd be happy to listen to them.

Ms. Quindel said the next question deals with the Administration's commitment to maintaining oversight of the three UC national labs, and what the likely outcome would be for the contract competition and the ultimate future of the UC National Lab system. Chancellor Berdahl said that was a very hard question to answer, because the future of the relationship with the National Laboratories is not exclusively in the hands of the University, quite obviously. He thought that the first thing that's important to ascertain is that it's in the national interest to have the University of California manage the National Lab. Historically, he thought both the University and the nation have advanced that affirmatively. There is a relationship the University had with the very origins of the National Laboratory, in the Manhattan Project and so forth, and the University has taken some pride in that historic record. The fact, however, is that the Los Alamos contract has been opened for competition by the Department of Energy. Whether or not the University will bid in that contract is, he thought, still an unanswered question, and it will be answered only over the course of time, as one looks at what the expectation is of the Laboratory, what its mission is, what it might be, how it might change, and what the criteria are that the Department of Energy would define for the leadership and management of the National Laboratory. Chancellor Berdahl said he thought that whether or not the University will bid for that is still an unresolved question. And he didn't know the answer as to how that will turn out. The other laboratories part of the system are obviously Livermore and the Lawrence Berkeley National Laboratories. They are of quite different characteristics and like Los Alamos, Livermore is a weapons laboratory and operates with classified research, which is not permitted on the Berkeley campus. It's thus different from the Lawrence Berkeley National Laboratory. He didn't know whether or not Livermore will be open for bidding. That, he thought, will largely depend upon what happens not in the Department of Energy which, he thought, was probably not interested in opening this up for bidding, but in Congress, where there is now a proposal that all National Laboratories be open to competition. He didn't know whether that will pass or what the outcome of that may be.

The Lawrence Berkeley National Laboratory is the third piece of that ensemble and would be subject to that same legislation were it to pass. But he thought the disengagement of this campus with that laboratory would be very complex and difficult, and would be extraordinarily costly to the campus because the Berkeley Lab is really a very important asset they have. It employs grads and is engaged in research, and a lot of faculty have joint appointments. The Lab generates half a billion dollars a year in research funding, much of which rebounds to students and faculty on this campus. So losing that Laboratory in some fashion would be a tremendous loss to the campus. He probably wouldn't be around as Chancellor at the time that such an issue, if it's faced, would be engaged in. But he would certainly strenuously oppose any such action.

Ms. Quindel said there was a man in a USC shirt who was very brave. The speaker said the Century Foundation published a story of students from 146 American college campuses and found that 74% of students come from the wealthiest 25% of the population. By contrast, a mere 3% come from the lower quartile of the population, sorted by income. He asked how the Chancellor would address this inequity and if the Chancellor supported affirmative action by income and if he'd release data on socioeconomic breakdown disaggregated by race.

Presentation by Chancellor Berdahl  
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Chancellor Berdahl said he wasn't sure they can disaggregate the data by race. The question was long and complex. Clearly, the statistics the quoted had to do with income distribution and attendance at college. It obviously meant there is not a level playing field in terms of access. That's not entirely surprising. He thought anyone who's lived in the US or thought seriously about American society knows that there is not equal access to higher education based upon income. For all their talk to the contrary, this is a society that has class distinctions; and class distinctions in this society, as they do in all societies with class distinctions, carry benefits for the upper class and disadvantages for the lower classes. That's an unfortunate fact of their society and others like it. He did think that those statistics are somewhat different for the University of California and for Berkeley. UCLA and Berkeley have more

Pell Grants than other schools. Around 31% of the students at UCLA and about 30% of the students at Cal are eligible for Pell Grants. When that's compared with any other major public university, or certainly any private university in America, it indicates that they draw more students who are economically disadvantaged than any other set of universities or any other university in the US. Roughly 25% of their undergrad students come from families with incomes of less than \$35,000 a year. Seventy-two percent of their freshman class that year have at least one parent born outside the US. So they have, he thought, a remarkable set of socioeconomic numbers that are unique among public universities in the sense that they are obviously serving a large, underserved population. At the same time, it is also a reflection on the demographics of California and on the income distribution of California, which is relatively extreme and heterogeneous. As far as whether he supported affirmative action, obviously he's been on the record as supporting affirmative action for as long as he's been in higher education, and nothing has changed in terms of his attitude regardless of how the law in California or anywhere else he's worked has changed. They do have within their comprehensive admissions policy, and by Regental policy as well, the ability, which they do, to clearly look at socioeconomic disadvantage as a factor that should be considered in a comprehensive review and evaluation of students who apply to the University. And so that's really a part of the policy. It's one of the reasons he thought that they have a relatively substantial representation of students from disadvantaged socioeconomic backgrounds. As to the question of whether or not those data can be made public, they are public, and all the data he's indicated are from sources that they generate within the University. He didn't know the answer as to whether they can be disaggregated racially or not. He saw no reason for not doing so if, in fact, they can be. So those data are public, and if people want to know the socioeconomic distribution data of students, insofar as the campus has them, the campus can generate that and provide it for them.

Ms. Quindel said the next question deals with UAW contract negotiations. There was a no-strike provision UC was insisting that the UAW change while not insisting changes be made in other contracts. The question was why UC was treating the UAW differently. Chancellor Berdahl said this was not the place to talk about contract negotiations. The GA is not a they to those negotiations and they have always observed the distinction of the Union as the organization with whom they bargain and conduct talks, with the GA concerned with the education of grads. So he was not going to talk there about those negotiations.

Ms. Quindel said that in light of continued and disproportionate student fee hikes for non-residents, the question is how the University will continue to attract and, in many cases, fund, international students and grads from other states. Chancellor Berdahl said it's clear the fee hikes have been very steep, given the fiscal climate of the State, and prognoses that have been given for what may happen in terms of State funding this next year. He thought there's a very high likelihood they'll see tuition increases next year as well. That's not good news, and it wasn't news he liked to deliver. But he also thought people have just got to be realistic. Their responsibility as administrators is to work very hard to maintain the quality of this University and to simultaneously maintain access to it. Those are both equally important goals. It

Presentation by Chancellor Berdahl  
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doesn't do much good to keep tuition low if they haven't got high quality faculty for students to study with. It really was a very, very tough economic environment in which they are trying to survive. He thought out-of-State tuition was high, and worked a special hardship for grads during their first year, at least there at Cal. Most students establish residency and stay beyond that. But it works a hardship for international students and for undergrads who don't have an opportunity to establish residency. He would also, however, say that particularly at the undergrad level, they could easily increase undergrad out-of-State enrollment at this University. There is a demand for access to this University by very, very talented out-of-State students, and it's much tougher to get in there as an out-of-State student than it is as a resident. Only one in ten applicants get in from out-of-State as against one out-of-four in-State. So the criteria are higher and still there are a lot of people who get turned down who would like to come here. Out-of-State tuition is not out of line with, say, Michigan's or Virginia's, or some other peer institutions. But it still is a hardship and it's a very, very serious problem. They're in a terrible financial crisis in the State. He didn't see from any of the gubernatorial candidates a solution, and not one of the 135 candidates that he knew of has offered anything particularly insightful on it. He had to say that just listening to the debate, the only people who have raised the issues that ultimately need to be raised are the Green Party candidate and Arianna Huffington, because it's the tax structure of the State ultimately that is the source of their really serious revenue problem in California. Obviously, the current crisis is a result of a

crash and tremendous economic dislocation. If they look at the deficit that's been created by the Gray Davis gubernatorial years, as it were, it's insignificant compared to the deficit created by George W. Bush at the national level. So it's a national crisis that's particularly acute in California.

Ms. Quindel said the next question was very related to previous question and the Chancellor may feel he's already answered it. The question was how he thought the current budget crisis will affect the search for a new Chancellor, and how he thought his resignation will affect faculty cuts, which the Chancellor has come out against. Chancellor Berdahl said he didn't think that his resignation will affect that Chancellor and thought the University wasn't dependant on Chancellors. Faculty know that, and certainly his resignation isn't going to have any impact on whether or not faculty stay or leave, or whether they're able to recruit faculty. The fiscal crisis is very worrisome in terms of the retention of faculty. They know because they keep such data. More faculty receive outside offers right now than at any similar point in time in the past three years. That's very, very worrisome. And they will do their very best. They had 37 faculty last year who had outside appointments, and the campus kept 28 of them. And not all of the nine who left were ones that they anticipated staying in any event. So the campus has been very successful in fending off outside offers for faculty. That will be more difficult as a lot of universities look at California, with the tremendous amount of press in the national news about the problems of California, and have a real sense that there's blood in the water and that they can pick off faculty from Berkeley. So it will give them a terrific challenge. On the other hand, obviously the last thing they want is a faculty that nobody else wants. So they are very glad they've got faculty who are attractive to everybody elsewhere in the US, and they'll do their best to keep them.

Ms. Quindel said a question asks about the possibilities of continuing the Chancellor's Middle East fund, given that he's leaving. Chancellor Berdahl said that will be up to the next Chancellor. He has recommitted it for this year, and he thought they have proposal. But obviously, it's something that they want to do on a year-to-year basis, and that will be up to the next Chancellor.

Ms. Quindel said the budget for prisons and corrections has been salvaged at the expense of K-through-12 and higher education. The question was about support for a campaign to freeze fee increases and prioritize education over the corrections system. Chancellor Berdahl said he agreed, obviously. They would

all rather fund students than prisoners. It's not hard to establish that priority. It's a lot cheaper to educate a student than to keep a prisoner. If you figure capital and maintenance costs, it costs \$30,000 to \$40,000 a year to incarcerate someone. So their spending priorities in terms of keeping people from prison are insane. The fact is, however, that they have legislation that mandates incarceration, such as three strikes and you're out legislation, and legislated mandates of that type. Unlike universities, there is no sort of fixed acceptable for universities, and their student-teacher ratio unfortunately fluctuates depending on the funding available. That's not the case in the formulas with which prisons are funded in terms of dollars or square feet, or any other formula per prisoner. So they've been on an orgy of prison building in this country, which he thought was stupid and unfortunate.

Ms. Quindel said the next question was why he wouldn't seek administrators taking a pay cut in sympathy with cuts across the rest of the UC. Chancellor Berdahl said that's an easy target, obviously. He couldn't ever say that he was poorly paid, and he was very well paid. But the fact is, they live in a market, just like everything else, and they have to pay attention to that market. They've had no salary increases, and by all measures, administrators on this campus are well below what the comparables are at other universities. He doesn't hear anybody complain about their salaries, but there was a lot of talk about Joe Mulnix's salary. Mr. Mulnix is an extraordinarily able person who brings a great deal to this campus and to the University as a whole, primarily as a Vice President. Mr. Mulnix was offered a substantially higher salary with deferred compensation at the University of Michigan, and if UC was going to keep him, they had to match that and essentially have to pay what was being paid. So they have to look at the replacement costs in recruiting faculty. Chancellor Berdahl said that when a search was launched for the President of UC, he said that whoever was appointed would have to come from the inside, because they'd never recruit anybody from outside the University for the kind of salary that was being paid to Mr. Atkinson. If they look at the comparable position at the University of Texas, it's \$700,000 a year. The comparable position to his at Michigan is \$500,000 a year, with deferred compensation of half a million dollars if the person stays five years. Chancellor Berdahl said he was not saying he was underpaid, but if they recruit people to this University, they have

to look at what the market is out there, and it isn't going to be easy to go into that market without paying market rates.

Ms. Quindel said that given the diversity of the undergraduate student body, the question is, how does he explain the disproportionate number of women and minorities in the Administration. Examples were given that 1 out of 19 deans are women and that there are no deans of color. Chancellor Berdahl said those things change because they just got a dean of color, and they lost a couple of years ago a woman dean. So those numbers do wax and wane in a cycle. It's clearly important to him that they have administrators and leaders on the campus who represent as much as they possibly can, and that they've made every effort to do that, and have the diversity of gender and race that is reflective of their entire academic world. The fact is from about three years ago to this year they've recruited about from 24% new faculty who are women to over 45% that past year. So they've recruited after a lot of strenuous effort by Angie Stacy and the Faculty Equity Office, and a lot of jawboning by him and Paul Gray, they've been quite successful in raising the percentage of women hired on the faculty. It's very competitive for faculty of color. They have several faculty of color right now who have outside offers. There is such a small pool nationally of faculty of color that it's difficult to recruit them, and they are constantly being recruited. Troy Duster told him that in one year he had 63 feelers for outside offers. There's a distinguished faculty member in the Sociology Department who has had an enormous number of feelers. So that gives people an indication of what the competition is in recruiting faculty of color, and much the same is true with deans.

Presentation by Chancellor Berdahl  
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Ms. Quindel said she had some follow-up questions but they have about eight minutes left and she wanted to give an opportunity to Delegates first. At least one of everybody's questions was asked. If people have follow-up questions, they could ask them, if there are any, or go to different questions.

Mr. Valleé said he wanted to ask for a clarification regarding the relationship between the ASUC and the GA, and asked if he believed that GA should be allowed to appoint their own representatives to campus committees. Chancellor

Berdahl said that when they invite students to join committees, they generally ask the ASUC for an undergrad name and the GA for a grad name. So the campus does respect that difference. They don't ask the ASUC for grad names, but ask the GA. Ms. Quindel said she thought Mr. Valleé was referring to the recent Judicial Council ruling that said the GA had to go to the ASUC for approval of every nomination they submit to the University for any Academic Senate committee or any campus-wide committee. The GA can no longer do that themselves, and the ASUC must approve it. Chancellor Berdahl said if they ask the GA to provide a name, he asked if the GA can't do that. Ms. Quindel said they have to go through the ASUC to get approval. That was the recent J-Council ruling. Chancellor Berdahl said they were talking about student politics, and he had to confess that he was surprised at that, and didn't know about that judicial ruling. He asked if the GA wanted him to overrule them so that he'd get in the business of doing that, and asked if that's where they wanted to go. They may not want him to go there.

A Delegate said that regarding the National Labs, he asked if faculty and students have any input on whether or not UC will put in a bid to manage a weapons lab, or if that's done on the President's level. Chancellor Berdahl that as for faculty or students having a role in the decision making, obviously anybody can write a letter to the President and advise the President. A faculty committee may be appointed, and whether it would have student representation, he didn't know. He was certain there will be input that people can provide, or initiate in that process. The decision will ultimately be made by the Board of Regents, which has student representation on it, and obviously faculty input will be welcomed as well. But it will be made on the basis of a recommendation that he was sure comes from a broad basis. They have discussed this whole thing at length in the Council of Chancellors. So there will be a very, very drawn out, consultative process, and he was sure the faculty Senate will be involved, and so forth.

Mr. Furmanski said it that in his comments about autonomy, it was mentioned that they arguments would have to be heard, and he would try to present an argument. Stuff has been happening that semester which calls into question how well defined the relationship is between the GA and the ASUC. The Chancellor mentioned that no student government was actually autonomous. That sort of speaks to the point that the GA was not really an autonomous and independent body. The Chancellor meets with them and meets with them ASUC, but that's not necessarily codified in the way the GA exists. It's largely a matter of interpretation and it's become readily apparent that the ASUC has the power to reinterpret that relationship because it

ultimately has legislative authority over the GA. Largely what the GA seeks to achieve is to not necessarily catapult themselves away from the ASUC, but to have some sort of codification of what has been accepted from the perspective of the University. Since the Chancellor announced he was going to leave, they may not get the kind of good will they've experienced in the last few years, which only brings forward the need to codify what has been essentially a gift of interpretation on the Chancellor's part. The legality of the MOU, which was supposed to clear things up, has been called into question as well. Given these things, he asked what they could expect out of the Chancellor.

Chancellor Berdahl said he didn't know what they could expect from another Chancellor because he couldn't speak for another Chancellor. But he thought any Chancellor will recognize the importance of

Presentation by Chancellor Berdahl  
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student government and certainly the representation of grads. Grads are roughly one-third of the student body. This is a graduate research/undergrad University and grads are essential to the success of it on all fronts. So there's no question it seems to him that anybody in this job will have a high regard of grads and their role. He was not going to try to define what the relationship should be at that point. It's clear that there's a lot of dissatisfaction that has arisen that's waxed and waned in the six and a half years he's been there. It's obviously grown with some of the irritations that have been identified that evening. He didn't rule out the possibility of some separation of the two. But at that point he didn't have a decision to announce or a particular point of view on the issue. So he'd punt.

Ms. Quindel said the time was up for the Chancellor, and if someone would like to move to extend time, there were two people who wanted to ask questions. A motion to extend speaking time by ten minutes was made and seconded and passed with no objection.

Mr. Astoria asked about the impact of Prop. 54 on the UC System if it passes. Chancellor Berdahl said it would have no impact because UC is under a court order in the Rios case to report statistics, and they're required to collect information on race for four or five years. If Prop. 54 passes, then when that court order expires, UC would be the same as everybody else, and not able to collect racial identification. But for the time that the court order is upon them, it would supercede whatever Prop. 54 says.

Ms. Felarca said the Chancellor was asked about the number of underrepresented minority faculty and cited the small pool from which to choose. She was concerned about that pool for hiring in that the pool for hiring faculty was mainly drawn from a very

small number of very elite colleges and universities. She understood that most faculty hired by Berkeley are from about 12 universities or colleges across the country. Chancellor Berdahl said he thought about 70% are hired from about 19 universities. So it's a limited number. Ms. Felarca said the number of underrepresented minority students who have been admitted and enrolled to UC Berkeley during his Chancellorship has been very low, significantly lower than even UCLA. Chancellor Berdahl asked if she was talking about grads. Ms. Felarca said she was talking about undergrads, the population grads are drawn from. She asked what steps he thought need to be taken by him and by the next Chancellor to make sure that they reverse what has been a trend, particularly at Berkeley, of having such a low number of underrepresented minority students getting accepted and enrolled at this school.

Chancellor Berdahl said that given the fact that they cannot take race into account in the admission process, it means that basically the only thing they can do to enhance that number is through outreach efforts and through strenuous work with schools. And that has been decimated by the current budget crisis, as they know. They have a very, very strenuous effort to recruit students who are admitted. If they look at the demographics of the region from which UCLA draws the lion's share of its students, and the demographics from the region from which Berkeley draws its students, they're actually doing probably better. They have a heavily Northern California base, and even though they draw well from Southern California, they don't reach the same numbers or percentages of Hispanic students that UCLA does. Berkeley is roughly the same in terms of black students attending Berkeley. So it's a very difficult process when they do not have the ability to consider race as one of the factors in the admission process. They have worked very, very hard, through modifications in the admission process, through outreach, and through very substantial investment of time and effort in the recruitment of minority students, to increase those numbers. It's very, very hard. Even though, they have inched up, basically every year over the last four or five years, since the very precipitous drop that occurred immediately following the enactment of Prop. 209.

Presentation by Chancellor Berdahl  
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A Delegate said that it was stated that the only way to increase minority enrollment is through outreach, but asked if the Chancellor would agree that socioeconomic affirmative action was one way to increase minority enrollment, even if race is not actually part of the admission process, since that's legal. Chancellor Berdahl said it's a very successful proxy. There are a lot of very poor Asian students and poor white students in these schools. By using that, they do enlarge the pool from which they draw, but they enlarge the pool of Asian students, black, and Hispanic students by the same method by which they're trying to enlarge the pool of black and Hispanic students. So it's not a silver bullet

for increasing the number of underrepresented minority students. Everybody thinks it's a proxy for race, but it isn't.

Ms. Quindel called for any other questions. She said that in the business world, CEO salaries are skyrocketing for many of the same reasons the Chancellor cited in his talk on administrators' salaries. Some in the business world are calling for a cap on CEO salaries to stem the excess. She asked if he would support a similar measure for administrators at universities. Chancellor Berdahl said CEO salaries are many multiples of the salaries of the people who work in the companies. That kind of excess is not present even at the highest paid administrative positions in universities. And they have a significant number of faculty who make more money than most of the administrators on this campus. The Chancellor of the University of Texas makes \$700,000, and President of Pennsylvania makes \$800,000, these are all published in the Chronicle for Higher Education every year. He didn't believe those are healthy for higher education. He thought those kinds of salaries distort the relationship between what administrators do and what faculty do. All he was saying is that if they want to recruit the kind of people that they want to recruit to some of these jobs, they can't expect them to come for salaries that that don't reflect the market, because they have other options. Anybody they'd want to be Chancellor, or Executive Chancellor and Provost, has a number of options to choose from, and nobody will take an administrative job at less money than they earn on their faculty job. And they've had a lot of cases in point, where they offer a deanship to one of their faculty, with the salary of the deanship less than the person was making as a faculty member. And they look at you and say, "Are you crazy? Why would I take a pay cut to stop what I love doing most?" So these are realities, and if they want his salary, his job was open. Ms. Quindel said she wanted to thank the Chancellor. (Applause)

#### Report from the Funding Committee

Ms. Quindel said they would move back to Item V of the agenda, and move to the Funding Committee report.

Ms. Franklin said that if they look in the packet and see what groups got and what they asked for, they'll be horribly disappointed, as was the Funding Committee. They like community service applications even though they're close to maxing out. They funded everything they could legally give. They had requests of almost \$40,000, which is as much as they have to spend on Grad Events for the entire year. They can legally hand out up to 65% for the Fall Semester, since there are just as many meetings in the spring. They didn't want to go for half at that point and they handed out about three-quarters of the money for the fall, as they know that this is the big funding round. They felt like they had \$8-9,000 to hand out as compared to \$39,000 people requested. The Funding Committee did its best to give everyone at least enough to do a couple of meetings and do a little something, and didn't just do a straight percentage cut. That would leave some groups with \$5 and some with relatively large amounts. They're sorry, but they worked with the limitations that they had.

A Delegate said that given these budget constraints, it seemed like certain groups had multiple funding applications that totaled up to a lot more than single events. He was a little perturbed that his own department got so little. Ms. Franklin said the other groups asked for a speaker series as well as regular meetings, plus other things. Every group has a cap per semester and can't give any group more than \$1,000. They don't feel they'll be in trouble with that cap, but the Funding Committee tried to give a reasonable percentage of what people asked for, and if groups submit more applications, it's because they have more activities. Law School groups can be organized and submit a lot of great applications, and put on a lot of great events. The Delegate asked if the Funding Committee chose not to look at that situation. Ms. Quindel said the By-laws state how the Funding Committee has to do allocations. Ms. Franklin said there's a per-group limit per semester, but other than that, the Funding Committee has to look at each individual application separately. As long as no group goes over the cap, they have to look at each application separately. The Delegate said that she was saying that if any group wanted more, they should just make a bunch of applications. Ms. Franklin said that was correct. Ms. Quindel called for any other questions.

A Delegate asked about a group that was given \$80. Ms. Franklin said they asked for \$100. Ms. Quindel said the next item of business was a suggestion from the Executive Board to increase funding for Grad Events and grants. They recognize this is a problem and were trying to address that for future rounds. She called for any other questions for the Funding Committee.

A Delegate if it was typical to have such a funding shortage, with twice as much requested. Ms. Franklin said last year they did better because they got extra money added throughout the year. She believed the GA received revenue from vending machines, so they had more money to hand out. Ms. Quindel said it's the same thing they'd be doing that evening, using carry-forward, which they can't allocate at the April or May meetings, not until they know what they have. They're recommending additional budget allocations, the same thing that happened last year.

Mr. Sharma said he's from the Law School and wasn't happy with every line item, but they're not justifying applications to get more money, but actually doing things. If groups want more money, they need to do more.

A Delegate said \$7,200 out of \$12,000 went to the Law School. The rest of the GA Delegates need to communicate to their departments and maybe weren't being as proactive as they should be about communicating, and this was a good thing to take back to their departments. Ms. Quindel said that their funding advisor, Shayla Moore, will

meet with any groups who are interested and help them with their application process and anything else.

THE MOTION TO APPROVE THE RECOMMENDATIONS OF THE FUNDING COMMITTEE FOR ROUND 2 OF GRAD EVENTS, ROUND 1 OF PROJECT AND SERVICES, AND GRANTS, PASSED UNANIMOUSLY BY VOICE-VOTE.

NEW BUSINESS

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Executive Board Suggested Budget Allocations

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Executive Board Suggested Budget  
Allocations

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Ms. Quindel said she wanted to cross something off on the back of the first page, item 3 of the Executive Board's suggested budget allocations, the Manager Consulting Fee, \$12,000. She would like to have the Finance Committee look at this in more detail, once it's formed, and would suggest that the GA not discuss that item. The rest will be presented by Mr. Furmanski.

Mr. Furmanski said most of the information was included in the packet. They can clarify anything Funding and grants was would be allocated an additional \$15,000, and the need was obvious. It would be an answer to the lack of funding the Funding Committee has and would provide more cash for it. For the Speaker's Fund, the first item was Michael Moore, \$5,000, and that's happening soon. So that's something the GA needs to approve or not, soon. The idea of a Speakers Fund is to partner up with other groups. Michael Moore costs more than \$5,000, and that amount is a contribution, to provide a sustained effort to get people to campus and pay them to speak. The are a couple of things listed. Not all the money is accounted for and that can develop throughout the year.

The GA GRE Prep Course, \$3,000, is managed by an outside company, and that's the amount it costs to run the course. It's not as though the GA could really fund it at 78%. It's a discrete \$3,000 payment to run the prep course.

Mr. Valleé asked who runs the course. Ms. Quindel said the GA subsidizes the course for underrepresented students and undergrads, and the \$3,000 pays the subsidy for those students. Students still have to pay \$60 and they have to go to every single session, and sign a contract. The class is usually managed by the Graduate Minority Students Project. The GA Manager will help manage it because they're still hiring the GMSP Coordinator. Mr. Furmanski said a grad student wasn't teaching it.

As for the Legal Defense Fund, Mr. Furmanski said they understand what that's being allocated for. The idea is they don't have a lawyer, the ASUC has a lawyer, and if the GA got into a legal engagement, they don't have a lawyer. In some cases the ASUC lawyer has to recuse himself from inter-party negotiations between the GA and the ASUC anyway. So if they want to get legal advice, the GA has to pay somebody. This wasn't just about autonomy, which was just one issue. But if the GA wanted to pay a lawyer to investigate challenging fee hikes for professional students, they need money to do that. Regarding the item for security, Mr. Furmanski said they need to update security for Anthony Hall. The allocation for the Research Assistants for the Mental Health Task Force was listed. The Finance Committee will decide on the rest of items. There's unallocated money, and they deliberately disallocated the \$12,000 consulting fee so the Finance Committee has money to spend once it's formed.

Ms. Quindel said this deals with the budget that people should have received at last month's meeting. The GA has carry-forward and they want to make sure that money is not necessarily allocated to new projects that would need to be funded every year, since funding would be from carry-forward and their operating budget allocates, e.g., money for grants. They want to leave the rest of carry-forward, which was quite a bit, to the Finance Committee.

A Delegate said that since the Legal Defense Fund is for future use, she asked if there was any reason to do it now as opposed to keeping it in the back of their mind, rather than allocating it, because it couldn't be used for anything else. Ms. Quindel said that since they're in open session, they have to be careful about what they talk about regarding legal issues. If they want, the GA could go into closed session to talk about legal matters. Mr. Furmanski said it's a good idea to be prepared.

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A Delegate said he didn't know how much money they had left. Once it's tied up, he asked how hard it was to get more. Mr. Furmanski said that if they don't spend this money, they'll get to use it again in the future. Ms. Quindel said that if the money doesn't get spent, it wouldn't be spent.

Ms. Quindel asked if Ms. Dugas could talk about carry-forward. Ms. Dugas said that if they make the allocations, the amount would probably be around \$120-\$135,000 remaining after that, and they have an amount set aside that deals with any emergency, at about \$50,000.

A Delegate said that closed session was mentioned, and asked if that was something they should do that evening, or if it would disrupt the meeting. Ms. Quindel said that if somebody wanted to discuss legal matters, she would recommend they go into closed session. Only members of the GA could be in the room for the discussion. Closed session was part of their By-laws. A Delegate or member of the GA would have to make that motion. She called for any other questions about the suggested budget allocation.

A Delegate asked why they should update security to Anthony Hall since apparently it's not really the GA's to begin with. Mr. Furmanski said they could choose to ignore the ASUC and say that that question will just blow over. If the GA shows that it's investing in Anthony Hall, it proves they believe it's theirs.

A Delegate asked if Michael Moore was charging an entrance fee. Mr. Furmanski said he was. The Delegate asked if this allocation will go towards the entrance fee to subsidize Michael Moore. Ms. Quindel said it's not even for Michael Moore and it's for the Greek Theatre, paying Bill Graham Presents. The ASUC was paying \$10,000 for the use of the facility. Plus, they have to pay for security. So the money doesn't go directly to Michael Moore, but to that event's entire budget. And Michael Moore gives most of his money away any way.

Ms. Quindel called for any other questions about the budget allocations, and said they would move into debate or a motion. A motion to approve was made and seconded.

A Delegate said she would like to express her department's feeling that having additional computers for grads' use would be a wonderful use for future allocations. Ms. Quindel said that maybe she'd like to be on the Finance Committee.

A motion to call the question and end debate was made and seconded and failed by voice-vote. Ms. Quindel said they would go back to debate.

Mr. Sharma said he would like to suggest an amendment to increase the funding and grants allocation to \$30,000 immediately. He thought what they saw that evening was a shortage of money in Grad Events and Projects and Services. He would suggest doubling that so the Funding Committee has more leeway. The motion was seconded. Ms. Ahn said the amendment would increase the suggested budget allocation to total \$30,000.

Mr. Furmanski said the GA doesn't need to decide to add extra money to this because they'll convene the Finance Committee, the purpose of which is to spend the money they haven't expressly allocated, if needed. Nobody will want to be on that Committee if it didn't have funds. They need to bait the hook to have a working Finance Committee. It's in their Constitution and they don't have one operating, and its duties are being done by the Executive Board. If the GA doesn't give the Committee money, they won't have a Finance Committee.

A Delegate asked how much time that would take, and if they vote that evening, if that would help them make a more timely allocation of requests. Ms. Quindel said it would. The next round for Grad Events was before the next meeting. Ms. Moore said that was correct, along with grants. Ms. Quindel said it would probably make a pretty big impact. Ms. Moore said it should, but had to be divided between another round that semester and four rounds next semester. Ms. Quindel said it was up to the Delegates to decide on this. The GA only gives out money they have, unlike the ASUC, and the GA doesn't like money that is not allocated to them yet. So they'll definitely give it away if they have it. They'd rather have it now than giving it out next month.

Mr. Hsu asked how much money they receive in student fees each year, and if it's already been allocated to them. Ms. Quindel said money they get in student fees was allocated in the GA's budget process last year. The money they're talking about that evening is carry-forward, money that was left unspent by groups or by the GA last year, as well as the GA's interest income. They're talking about student fees from previous years. Mr. Hsu said that if \$16,000 comes from carry-forward and this was a monthly expense, approximately the same every month, they'd go through the carry-forward in two and a half months. Ms. Quindel said the way the budget works is that they allocate all the expenses they have in different line items, which include projects the GA manages, the Business Office, the funding grants, programs, the Executive Offices, all the different things comprising the operating budget of the GA. Then there's left over money from last year that wasn't spent. Last year the GA allocated all its student fee money and the money they get from the University. So what happens is they have carry-forward which is all the money that was left unspent. That amount was quite large. So right now if they approve all the suggestions, they'd still have carry-forward of \$100,000 after this allocation. So they would not be in debt and would have a huge carry-forward.

A Delegate asked if she could lay out for them what the GA had the power to do that evening and not do, and if Ms. Quindel was saying that in theory, they can spend nothing and reject the suggestions and take the whole carry-forward, or spend the entire carry-forward. Ms. Quindel said the Delegates have ultimate authority, so they can reject all allocations or accept one and not another, as an example. Delegates are representatives of their departments and make the final decisions, and the Officers and the Executive Board were just reps.

Ms. Odusanya asked what happens if the excess money wasn't spent. Ms. Quindel said it stays with carry-forward.

Mr. Hsu asked if it was possible to freeze the carry-forward and if there was good incentive to want to spend more. Ms. Quindel said the ASUC Judicial Council Chair last week announced that the ASUC has no power over the GA's financial matters. And he announced this because a number of Senators were discussing that possibility. So

whether the power exists and whether people want to do that are two different things. By the Memorandum of Understanding, the GA is granted Anthony Hall, yet the Judicial Council just overruled that and said the GA no longer has the right to be in Anthony Hall, and the GA has to apply for space like any other student group. So although one body of the ASUC might say one thing, another might say something else. It' like the executive, legislative, and judicial branches, and one body saying one thing and another saying something else.

A Delegate moved to table debate on the proposed amendment to increase funding and grants to \$30,000 and instead, debate an amendment to increase it by more than that, to \$50,000 in total, or an increase of \$35,000. Ms. Quindel said there's a motion to increase funding and grants to a total of \$50,000, and said that was an amendment to an amendment.

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Mr. Sharma said he would withdraw his amendment for \$30,000. Ms. Quindel said the amendment would mean it will take a little longer for people to get reimbursed. They don't increase staff when they increase allocations. She wasn't against the amendment and thought it was great to give money to grad groups. But it puts more work on people in the Business Office. The motion to amend was seconded.

Ms. Quindel said the time was up for this section of the agenda. A motion to extend speaking time on the amendment by ten minutes was made and seconded and passed by voice-vote. Ms. Quindel said the motion was to amend the funding and grants allocation to \$50,000.

Mr. Hsu asked how much money they expect to add to carry-forward from year to year, and asked what that amount was relative to the amount they're proposing to add. Ms. Quindel said they don't add money to carry-forward and want it to be low because it's money that's not allocated. A Delegate asked if they spend more than they take in from student fees. Ms. Quindel said carry-forward is left over money after the GA has allocated everything else. It's surplus, money that wasn't spent. The motion that evening was only for that year, that's why it's not an annual motion being made, but was just for this year's carry-forward.

Mr. Cantor said a motion was made to expand an allocation to \$50,000.

A Delegate Eric said that carry-forward is a surplus. They had the same discussion last year and they didn't spend it, and now they have over \$100,000 that was not being spent. The GA autonomy is in question and the meeting that evening may not happen next year. That money is grads' and they have decision making power over it. They shouldn't keep having a surplus and instead, should fund all the worthwhile activities that

didn't get money this year. The Funding Committee has the money to hand out, and they shouldn't have next year's GA meeting, if there is one, with carry-forward of \$200,000.

On a point of order, Mr. Bailey asked when he could bring up a point about another item. Ms. Quindel said he could move to table discussion and go to another section. Mr. Bailey moved to table the extra amount pass what was suggested by the Executive Board. Ms. Quindel said they're moving to table the amendment and approve the recommendation. A Delegate said she needs to move to vote on the original motion or vote on the amendment. The motion to table was withdrawn.

Mr. Furmanski said that if they decide to allocate huge amounts of money, he was not opposed, but they obviate the Finance Committee. As was evident at that point, they were spending a lot of time in session as Delegates doing what the Finance Committee was charged to do. So they need a Finance Committee to decide this outside the Delegates' session. If they spend money they should allocate money to the Funding Committee and out of Delegates' hands, or not bother to convene a Finance Committee.

Mr. Sharma said he didn't think they're obviating the Finance Committee and they'd have \$100,000 remaining to spend. That's incentive to join the Committee. The purpose is a concern that the Finance Committee will take time to meet and come up with something, and the extra funding was important to every department, to him as a Delegate, and to his constituency. Delegates are within their role for to do something this important now and make a statement that they need this money now, to deal with these issues now, and not have another funding cycle where \$50,000 is requested and they only give out \$8,000.

A Delegate said he thought the Finance Committee should be given the full \$135K with which to make decisions.

Executive Board Suggested Budget Allocations  
(cont'd)

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The question was moved and seconded. The motion to end debate on the amendment passed unanimously by voice-vote. A motion to extend speaking time by 15 minutes was made and seconded and passed by voice-vote.

The motion to approve the amendment to the budget allocation to funding and grants, to total \$50,000, failed by hand-vote 12-13-13.

Ms. Quindel said they were back to consideration of the suggested budget allocation.

A motion to call the question was made and seconded. The motion to end debate failed by voice-vote.

Mr. Bailey asked if item II.B, the Jackson Katz event, was an allocation to ask Mr. Katz to return. Ms. Quindel said it was. The Delegate asked if having him return was voted on previously and if there was a discussion on him returning and if it was voted on, or if there was an opportunity to offer some other people who do the same thing or similar, or to offer something different. Ms. Quindel said that as with Michael Moore, this was a co-sponsorship with the Gender and Equity Resource Center, which asked the GA to co-sponsor this event. The GA said they'd take it to the Delegates. The Executive Board didn't say that the speaker should be Jackson Katz or somebody else. The Executive Board approved it, and Delegates have the right to agree or not. It's probably too late to offer another speaker at that point, but she'd encourage people to get involved with the Gender and Equity Resource Center. It was really a yes or no decision because the event was in two weeks. Mr. Bailey said he thought they could find somebody better and they should be involved in the decision making rather than having candidates offered up.

Mr. Sharma said that as to the remainder of the money, he asked if final authority rests with the Finance Committee or the GA. Ms. Quindel said that final authority was always with Delegates. The Finance Committee will streamline this discussion and bring it to the GA laid out. The Executive Board tried to allocate some of that money now and leave the rest to the Finance Committee.

A Delegate asked if the \$135,000 remained from carry-forward before they'd allocate the \$50K. Ms. Quindel said it's after. The Delegate said it sounds like people want to allocate more next month for funding and grants. She asked where that would come from. Ms. Quindel said the Finance Committee will not convene until after next month's GA meeting because they'll elect a Finance Committee chair at that meeting. If people want to suggest to the Executive Board in the interim that the Board increase the amount, that would be the alternative, since the Finance Committee is not in operation at that point. All these motions have to come back to the Delegates.

Mr. Sharma asked if they couldn't get more money in the Funding Committee for two more months. Ms. Quindel said someone could come to the Board with something and it would be brought to the Delegates. They act for the Finance Committee when the Committee is not in session. Mr. Sharma asked if it was possible to attach a note to this that would require the Executive Board to come back at the next meeting with a recommendation to increase the Funding Committee allocation. Ms. Quindel said he would have to make an amendment. It was so moved and seconded. Ms. Quindel said the motion would add a note saying the Executive Board should come back must come back next month with an increased allocation to funding and grants.

Ms. Ahn said was the same motion that was just decided and failed, so if they want to raise it again, the rule is that someone from the nay side had to raise it. The rule was to avoid repetitive debate. Mr.

Sharma said it wasn't the same motion. The original motion was to allocate a specific amount to a specific line item, and the current motion was an amendment to come back with a recommendation for a specific amount for next month's meeting.

Ms. Quindel said the amendment was to add an addendum to the suggested budget allocation saying the Executive Board must come back with a recommendation to increase funding grants by a certain amount at the next meeting. The motion was seconded. Ms. Quindel said seeing no debate, the question was automatically called. A Delegate asked if the Executive Board had to be formally asked or if a Delegate could call on the Board to do this. Ms. Quindel said a Delegate could call on the Board to do that. The motion to amend failed by voice-vote.

Ms. Quindel said they were back to consideration of the suggested budget allocation. The motion to call the question passed by hand-vote 16-8-10.

Ms. Quindel said they were back to consideration of the suggested budget allocation in its entirety. THE MOTION TO APPROVE THE EXECUTIVE BOARD'S SUGGESTED BUDGET ALLOCATIONS, AS SUBMITTED IN THE AGENDA PACKET, PASSED BY VOICE-VOTE .

## RESOLUTION

The following Resolution was submitted by Mr. Ettlinger, Grad Council representative, and Ms. Madon, GA Academic Affairs Vice President:

### RESOLUTION CALLING ON UC BERKELEY TO ADDRESS THE PARTICULAR MENTAL HEALTH NEEDS OF GRADUATE STUDENTS

WHEREAS, graduate students significantly contribute to the academic mission of UC Berkeley, by performing cutting-edge research and teaching courses to undergraduate students; and

WHEREAS, maintenance of strong academic performance within the University requires social support and good mental health; and

WHEREAS, the incidence of depression, bipolar disorder, suicide, and other mental health problems is increasing on university campuses nationwide, and UC Berkeley is no exception; and

WHEREAS, there is a lack of awareness of graduate student mental health needs at UC Berkeley, including a dearth of data on the health and concerns of our students; and

WHEREAS, faculty and graduate students alike are unaware of the mental health resources available on campus for those in need of help; and

WHEREAS, most departments on campus do not take proactive measures to support students' mental health;

Resolution Calling on UCB to Address the Particular Mental Health Needs of Grad Students - 22 -

#### RESOLUTION CALLING ON UC TO ADDRESS THE PARTICULAR MENTAL HEALTH NEEDS OF GRADUATE STUDENTS (cont'd)

THEREFORE BE IT RESOLVED by the Graduate Assembly of the University of California at Berkeley, here assembled, that a Graduate Assembly Mental Health Task Force be created.

BE IT FURTHER RESOLVED that this Task Force be directed by the goals of creating greater on-campus awareness of mental health issues and services, the graduate student role in University policy regarding mental health, and making proactive steps to encourage departments and other on-campus groups to take actions designed to alleviate Berkeley's mental health crisis.

BE IT FURTHER RESOLVED that the Graduate Assembly support UC Berkeley's Academic Senate in convening a committee to address the faculty role in supporting and maintaining graduate student mental health, through review of University policy, education of faculty, and change in departments' academic climates.

A motion to extend speaking time for this section of the agenda, for five minutes, passed with no objection. A motion to call the question was made and seconded and passed with no objection. THE MOTION TO APPROVE THE RESOLUTION CALLING ON UC BERKELEY TO ADDRESS THE PARTICULAR MENTAL HEALTH NEEDS OF GRADUATE STUDENTS PASSED UNANIMOUSLY BY VOICE-VOTE.

The following Resolution was submitted by Sandra Chapin, GA Student Parent Advocate, and Ms. Madon, GA Academic Affairs Vice President:

RESOLUTION TO ADDRESS THE PARTICULAR NEEDS OF GRADUATE STUDENT PARENTS

WHEREAS, five to ten percent of UC Berkeley's 8,700 graduate students are parents; and

WHEREAS, there are special challenges involved in balancing school and family responsibilities; and

WHEREAS, graduate students who are new parents require special academic consideration to deal with parenting demands; and

WHEREAS, failing to support graduate students and their families compromises the quality and diversity of our academic community at the undergraduate, graduate and faculty levels;

THEREFORE BE IT RESOLVED, by the Graduate Assembly of the University of California at Berkeley, here assembled, that a Graduate Assembly Student Parent Task Force be created.

BE IT FURTHER RESOLVED that this Task Force be directed by the goals of creating greater on-campus awareness of the special needs and challenges of parenting graduate students, including parenting graduate students in the process of policy and program formation on campus, and improving vital services and resources to support the parents in our graduate student community.

Resolution to Address the Particular Needs of Graduate Student Parents  
(cont'd)

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Ms. Chapin introduced herself and said she's the new GA Student Parent Advocate, and would applaud the GA for creating this position.

A motion to call the question and end debate was made and seconded and passed with no objection. THE MOTION TO APPROVE THE RESOLUTION TO ADDRESS THE PARTICULAR NEEDS OF GRADUATE STUDENT PARENTS PASSED UNANIMOUSLY BY VOICE-VOTE.

The following Resolution was submitted by Ron Bialkowski:

RESOLUTION REQUESTING THE GRADUATE ASSEMBLY CO-SPONSOR A RALLY FOR AFFORDABLE HOUSING FOR GRADUATE STUDENT FAMILIES IN OCTOBER IN SPROUL PLAZA

WHEREAS, the University of California plans to redevelop the University Village and housing options for graduate and undergraduate student families and will demolish the Section A and Section B apartments and replace them with 587 units for 1,034 graduate students; and in addition to this new housing, the University plans on leasing retail space to shops and a full-scale grocery store on San Pablo Ave; and

WHEREAS, the new apartment units will exceed the budget of most student families given that a two-bedroom apartment in Section B costs \$756 a month for 655 square feet while an equivalent apartment in the new section rents for \$1,232 a month for 987-1107 square feet; and

WHEREAS, the University of California's current redevelopment plans for the University Village jeopardize affordable housing for graduate students since many families will be unable to afford to continue their education and many prospective students will opt for other universities with more affordable housing; and

WHEREAS, the University has demonstrated the need to replace Section A apartments, but has failed to provide adequate evidence to justify the destruction of Section B apartments while arguing that the presence of mold in Section B apartments make remodeling and renovation impractical, even though this mold is also readily found in new apartment units; and

WHEREAS, the University will select a developer and make a final decision on the demolition of Section B in October; and

WHEREAS, the University should support affordable student housing for families and delay demolition until it a more viable redevelopment plan is adopted;

THEREFORE BE IT RESOLVED, that the Graduate Assembly co-sponsor a rally for affordable housing for graduate student families in October and help publicize the event in order to mobilize the University community and prompt the University Administration to reconsider current development plans.

Mr. Bialkowski said he represented an action committee that is attempting to publicize the need for affordable housing for grads. They'd like to hold a campus rally in October, towards the end of the month. They're requesting that the GA co-sponsor the rally, in the hope that the GA can help publicize this by creating outreach to University departments and to media outlets.

A Delegate said an apartment that was twice the size and less than twice the cost seemed reasonable. Mr. Bialkowski said he didn't say anything about that due to time constraints. University housing for student families is divided in four sections, including barracks created in World War II, housing that was developed later, apartments in the hills, and new East Village apartments that started two years ago. Apartments in Section A are \$450 for a small apartment. The Section B apartments that were quoted are new, larger apartments that rent for \$1,200 a month. The point he tried to make about the cost is that the University's development of new apartments was producing larger apartments that will cost much more. Therefore there will be no opportunity for affordable housing for student families. From personal impression, living in a Section B apartment, and he didn't see the need for more space.

Mr. Ettlenger said it was mentioned that he was asking for co-sponsorship, but didn't see a request for funds. He asked if co-sponsorship just meant co-sponsoring in spirit, or with finance. Mr. Bialkowski said the Residents Association has money.

A motion to extend time for this section of the agenda by ten minutes was made and seconded and passed with no objection.

Mr. Bialkowski said they're not requesting funds except for funds the GA already allocated to do outreach activities and contact local media sources.

A Delegate said that last year people came to the GA with different plans, sizes, and costs, and the GA voted on this issue. Ms. Quindel they never voted last year. What happened is that Dean Mason gave a presentation. They didn't take an official vote, but more about what people thought about this or that. The Delegate said it was their recommendation. Ms. Quindel said they didn't recommend anything officially and never took an official vote. Ms. Dugas said Dean Mason just took a straw poll. Ms. Quindel said the GA never took a position.

A Delegate asked if Section A apartments that would be demolished and replaced would be for grad families. Mr. Bialkowski said it wasn't all for grad families. The University's projected plans are to demolish Section A and replace it with retail stores and a grocery market, and to float a bond for new construction of housing for grad student families and for single grad students. But rent costs for new units will be what they are in the Village. The University's rationale for construction at that time is that it's a favorable time to take out a loan and secondly, apartments in Section B, in its opinion, will be outdated within the next two decades.

Ms. Quindel said that seeing no other questions, they would go to debate. If people want to hear from Mr. Bialkowski, they could yield him time, since he wasn't a Delegate.

Mr. Furmanski moved to amend the Resolved Clause, to add that GA co-sponsor a rally "with the Village Residents Association..." The motion was seconded. THE MOTION TO APPROVE THE AMENDMENT PASSED WITH NO OBJECTION.

Resolution Requesting the GA Co-sponsor a Rally for Affordable Housing for Graduate Student - 25 -  
Families In October In Sproul Plaza (cont'd)

A Delegate said she would like to endorse the Resolution. She lived in Smyth Fernwald and the University was thinking about doing the same thing that was done in the Village, knocking down rundown apartments and putting up palaces that are too big for the purposes they're being asked to serve. The apartment she lives in is probably like Albany Village, the same age as Section B, and there's no reason to pull them down. They don't look great but students don't need palaces.

A motion to call the question and end debate was made and seconded and passed with no objection. THE MOTION TO APPROVE, AS AMENDED, THE RESOLUTION REQUESTING THE GRADUATE ASSEMBLY TO CO-SPONSOR A RALLY FOR AFFORDABLE HOUSING FOR GRADUATE STUDENT FAMILIES IN OCTOBER IN SPROUL PLAZA PASSED UNANIMOUSLY BY VOICE-VOTE.

#### Nomination of GA President to the Store Operations Board

Ms. Quindel said the next item on the agenda was item G, and said they need to extend time. A motion to extend time by 10 minutes was made and seconded and passed with no objection.

Mr. Bailey said that on Wednesday the nomination of the GA's elected President to sit on the Store Operations Board was voted down again, for the second time. Several Delegates from the GA were represented at the Senate meeting and spoke, including himself. They expressed their grave concerns at the way in which this relationship was being sustained, and that it felt like the GA was a colony. He expressed that he was a Delegate like Rep. Eleanor Holmes Norton, from Washington, D.C., a representative of people who pay taxes but have no representation. Grads pay fees without autonomy and self-governance. There seemed to be something the GA can do. They have support among the undergrad Senate and they need to do something, since this kind of relationship was unacceptable. The GA should be able to choose its leaders and ask that grads be represented in terms of their special needs as grads.

Ms. Quindel said they tabled this section of the Executive Board report that responds to the ruling that grad members of the Store Operations Board have to be approved by the Senate, even though the grad reps have been sitting on the SOB for over a year. The Executive Board said that the GA would withdraw its entire representation on the SOB, two members out of six student members, along with five non-student members. So the Board is unbalanced, with fewer students than faculty and staff, until the ASUC Senate approves the GA's nomination. He believed the other question was whether to reaffirm the autonomy of the GA to the ASUC Senate.

Mr. Hsu said that having been at the Senate meeting last night, he asked if these were just obstructionist tactics or if there was really a threat to the GA's autonomy in terms of freezing funds. Mr. Bailey said he was not informed about the full dimension of the issue. What he observed at the meeting was both. He thought these were obstructionist tactics, but thought they served no productive purpose to the student body as a whole, especially grads. He didn't particularly like to have his life played with by a bunch of crazy people who get off by denying a group its autonomy. He didn't think the people who support the relationship in its current state were representing their constituencies, and be concerned with trying to obstruct the GA's will to be autonomous. So Mr. Bailey said he thought it was both, in response to the question. It was crazy, but becoming increasingly dangerous and repressive as to what the GA needs to do as grads.

Nomination of the GA President to the Store Operations Board  
(cont'd)

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Ms. Quindel said an ASUC Senator was there to report, but she asked her to table the report and move to the GA Manager's report to address some issues. A motion to table the report was made and seconded and passed with no objection. Mr. Furmanski moved to table this and delegate it to the Autonomy Committee. The motion was seconded. The motion to table discussion and have the autonomy committee consider it passed with no objection.

#### Report from the GA Manager

Ms. Quindel said they would present the policies and procedures surrounding some of the current issues around Prop. 54. Ms. Dugas said the Executive Officers and the Executive Board asked her to present what was going on with Prop. 54 from the business management perspective. She would not get into details of the political issues or others that come from that. If people have questions about that, they need to refer them to the Executive Officers or the Executive Board.

Ms. Dugas said she was speaking from information she had to give to the powers that be. They provided an overview that was been updated after the print version was completed. It has impacted her office as Manager. She would answer questions about finance and about the specific policies she had to follow as Manager, and others would answer questions about the details.

Ms. Dugas said she would give an update, overview, and timeline of events. At the September 4 GA meeting, the Delegates approved spending and approved the Prop. 54 allocations that were done by the Executive Board over the summer. The Delegates added a restriction requiring that people who were funded had to provide specific detail to the Business Office. Groups submitted their budgets to the Graduate Assembly Business Office as per the Delegates' motion and began to submit invoices. This funding was to go from September 4 until October 7, the day of the election. On September 12 the Business Office began processing invoices, through the week of September 16, and invoices were sent to Accounting that same week.

Ms. Dugas said that on September 23 the Daily Cal article appeared, "Campus Officials to Probe Dubious ASUC Contribution." She was in training that day and got several urgent messages on her voicemail, and then the GA and ASUC Officers met with campus officials.

Ms. Dugas said the next slide provided information on how the line of authority for money for money in dealing with this matter. The University of California Regents are appointed by the Governor, who determines whether student government exists. The UC Office of the President gives a legal opinion on whether this funding for Prop. 54 was in line, and writes policy and procedures. Next, Chancellor Berdahl weighs in on any final decision, but delegated this to Vice Chancellors Mitchell and Padilla. Vice Chancellor Mitchell deals with grads, although he's not a grad person, the GA, as a unit in the University, falls under his area. Vice Chancellor Padilla deals with undergrads and the Office of Student Life. Associate Vice Chancellor Ron Coley has ASUC units report to him and Tom Cordi heads the ASUC Auxiliary. Mr. Cordi was just there but stepped outside. Ms. Dugas said she and Jan Crowder are the two people who really deal with the GA. Ms. Dugas said she has a semi-reporting relationship to Ms. Crowder. And then there's her.

As for the legal history, the next slide shows the legal precedents and University policy that they operate by, as staff. She's been there for going on 11 years, and shortly after she first got there, a case, Smith v.

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(cont'd)

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Regents, outlawed the use of mandatory student fees by student groups for political or religious purposes, as well as other language in that decision. After that, the GA and the

ASUC dealt with the University's reading of Smith and the policies that were created relative to Smith. After that, the GA and the ASUC dealt with the University regarding new policy that specifically spoke to Smith on how to deal with people who may disagree with funding for groups. That was over the course of a year. Then, in 1995, they had *Rosenberger v. Rector and the University of Virginia*, another legal case that was utilized in creating policies. The US Supreme Court ruled that a state university with a student activities fund can be used for Christian purposes. The impact at that point was to *Smith v. Regents*, which was re-interpreted, with the creation of a refund policy. That policy states that any group that disagrees with what any other group was doing had a right to a refund. But there are a lot of student fees, so a refund might be .001% of the total. But the policy is in place, and student fees can now be used for ideological and religious purposes, because it's educational.

Then, ASUC Riverside's case permitted funding to student-related matters, as well as having the refund in place. The GA helped create the refund policy. The impact of that was to revise policies. In "UC Guidelines for Funding Registered Campus Organizations... by Compulsory Student Fees, October 26, 1999." It reads that official student government lobbying activities on student-related matters may be funded by compulsory student fees, provided that students are entitled to a refund. Student government lobbying would include such as the UCSA, and associated student bodies doing such activities.

The Southworth case overruled *Smith v. Regents* in a unanimous Supreme Court decision. As for its impact, it was to confirm the use of mandatory student fees for the purposes of political lobbying. In *Southworth*, Justice Kennedy did the legal opinion. The slide shows an outline of the ruling. Wording from the ASUC Constitution and By-laws was also included. They state that the GA has full authority to authorize GA expenditures and manage GA financial affairs. The GA Charter and By-laws outline financial policy and what the GA has authority to do. A Memorandum of Understanding was signed between the GA and the ASUC, a legal document that underscores that same right to be able to use their funds. She highlighted the words on the slide, that "The GA is entitled to manage its own affairs and funds as provided for in the ASUC Constitution and By-laws...."

As to where the GA stands today, Ms. Dugas said that they were currently waiting for the legal opinion from the University Office of the President, the governing body that all UC campuses report to, outside of the Regents. The GA has bills and agreements that have gone unpaid. There was also consistent misrepresentation and distortions by the Daily Cal they had to deal with; and that wasn't just her opinion. The next slide shows that they have unpaid invoices of \$29,000. The impact is a loss of their representation and credit with vendors. Grads need funds to pay bills. Ms. Dugas said that's where the GA stands and how they're operating.

Ms. Ahn said she would go over some things to clarify. The first my is that student governments are the University, and therefore they fall under the same rubric required of public governments and agencies regarding non-partisan speech. That's the myth. The

fact is, that student governments are not the University. Even in the worst-case scenario, *Smith v. Regents*, the Supreme Court refused to rule on that basis. They left that question open. That question was closed in 2000, in the *Southworth v. University of Virginia* case, which said student governments and student organizations are the university or its agent, which are separate, with issues distinguishing the two. So there are university standards and non-university standards, and student government falls in the non-university area. In *ASUC Riverside v. the Regents*, in Regental policy, the Regents imposed standards for political and ideological speech, and

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(cont'd)

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disallowing it would fall under public agencies. The court said they can't do that, and that the Regents totally misinterpreted *Smith v. Regents*. The *Southworth* case says speech in question was not the University's or its agents. So they distinguish speech of student government from that of the University.

The second myth is that regardless of whether or not student government is an agent of the University, mandatory student fees cannot be used for political and ideological speech because it infringes on the First Amendment rights of dissenters. There are two First Amendment rights: the free speech rights of the general student body and the free speech rights of dissenters forced to pay mandatorily for speech they don't agree with. So they have to balance that. Secondly, all the Supreme Court cases, even *Smith*, then *Rosenberger*, *Riverside*, and *Southworth*, said they have to balance these free speech rights. They do that by showing the educational benefit is so great that it outweighs the fact that dissenters must pay. And the other factor is you remove the mandatory requirement by having a pro rata refund. So there are different ways to weigh the two and make sure the free speech rights of student government outweigh the competing First Amendment rights of dissenters.

The third myth is that student governments should not discuss controversial issues from a political viewpoint, and that content was fine, but viewpoint was not. That means they can have abstract discussion on the content of gathering racial statistics, but they can't present it with a viewpoint, meaning no on Prop. 54. That was wrong. In fact, the Supreme Court said content discrimination is only okay within reasonably limited public forums. If they're going to discuss a symposium about Arnold Schwarzenegger and somebody wanted to come in and discuss Metallica, the court said they couldn't, because the content was outside the reasonable limits of that discussion. That's allowed. What was not ever allowed is viewpoint discrimination, in government or student organizations; that's never allowed. And the reason why is because they would be solely discriminating against that person because they have an opinion, which is a fundamental right of free speech, the right to have and express an opinion. So one is never allowed to

do that. So the argument that they can discuss the issue, but not with a viewpoint, is reversed, according to the Supreme Court.

Another myth is that even if the Constitution allows the GA to fund this, they can't fund political, ideological, or religious speech. The University's policies are there so student government can't do it. That misrepresents the question. The question is not whether or not the University can allow it, but whether or not they can disallow it. Ms. Ahn said the slide being shown had a range, starting with basic, minimum rights one is allowed to have, and then goes to expanded rights, extra stuff. Their basic minimum rights are guaranteed to students by the federal government and the Constitution. The Constitution and Bill of Rights are basic things they have, and states can either expand or contract that, depending on state laws. The Constitution is the basic minimum.

The question about whether or not the University can disallow speech is answered, and the University can't. And in either case, if they do, and you concede they can, there's no current University policy that disallows this. An e-mail was sent to administrators saying that UC forgot to update the Web site after *Smith v. Regents*, and on the Web site they had two contradictory policies, one of which reflected an erroneous interpretation of *Smith*, saying students can't use funds for political and ideological speech. And then there was another policy saying they could, to reflect the most recent Supreme Court case. This was really confusing because they were contradictory and people didn't know which one to follow. The Administration said the policy that allows use of mandatory fees was the correct one. And if go they were to go online, now, that's the only one they'll find. So even if one concedes that the UC Regents are more powerful than the Founding Fathers of the country their policy doesn't disallow it anyway. Another

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slide showed a long quote on viewpoint and content discrimination. If they think about the University, there is a forum, and the purpose is education. As long as the purpose is educational, they can't exclude something solely because of viewpoint. The special university environment says that not only do you have basic rights, where people should be allowed to represent their viewpoints, but that universities have a higher standard to ensure free speech rights because of the special function of the university to create discourse and to be a forum of ideas. They can't have new ideas if people can't express their opinions.

Ms. Dugas said that as to what's next, in terms of the freedom of speech, they have to figure out how they have to pay the vendors, and that's her big-ticket item. The other points are things the Officers may want to speak to, but they have outstanding bills they're responsible for paying.

Ms. Quindel said that on behalf of the Officers, recent issues have come up with the University and a minority of ASUC Senators, but the reality is that the GA should have autonomy over grad fees, and if Delegates vote a certain way, there should be autonomy, with Delegates ultimately having autonomy as laid out in the Charter and By-laws. So they want to make sure the University isn't stepping in when the policies aren't clear. The biggest issue is ensuring their free speech. A motion to extend speaking time for 15 minutes was made and seconded and failed by hand-vote. A motion to extend speaking time for five minutes was made and seconded and passed with no objection. Ms. Quindel called for any questions.

Ms. Ahn said this was a plug for the autonomy committee. It deals with issues of the GA and ASUC autonomy, and they're meeting on Tuesday at 5 o'clock from 5:00 to 6:00.

Mr. Hsu asked if funds were being paid to vendors because the University has clamped down on them, and if the University or ASUC froze the funds. Ms. Dugas said she was directed to not make any payment in reference to the money allocated to Prop. 54. That was a directive from Vice Chancellor Horace Mitchell and Vice Chancellor Genaro Padilla, until they could get a legal opinion from UCOP. Ms. Ahn said generally, the message from the ASUC to the GA is that it does implicate autonomy, and it's affecting their relationship with the ASUC and the Administration. Ms. Quindel said that when the ASUC Senate met about this issue, in a GA members were not invited into executive session although the topic for discussion was GA expenditures. That was the first executive session with the ASUC lawyer.

Ms. Dugas said she thought the question was who had the right to freeze funds, and the Chancellor has the right. The Regents direct the Chancellor to be responsible for student government, and the Chancellor can direct Vice Chancellors over those units to do that. There was an issue of whether the ASUC had the right to do that, and the J-Council ruled they don't have the right, based on those things they outlined. Ms. Ahn said it doesn't mean they won't try. Ms. Quindel said the Vice Chancellor froze the funds of the GA and wasn't speaking to the GA because they're not autonomous, and was only speaking to the ASUC because it's really ASUC funds. The GA was not defending itself in any of these discussions because they're not autonomous. So when the campus says to freeze the funds, they didn't write the letter to her, but to the ASUC President. The GA was not contacted by the University nor were they in executive session when that was discussed.

A Delegate said that in light of the report, and having gone to the Senate meeting on Wednesday, where Senators repeatedly mentioned that the Executive Board did not have overall support of the Delegates, he felt it was really important that the GA reconsider Mr. Bailey's motion and make a collective statement in support of the GA and its autonomy, as well as Ms. Quindel's appointment to the Store Operations Board. If the details can be worked out about autonomy, that would be great, but he thought they have to send a collective statement to the ASUC.

Mr. Hsu moved to reconsider the motion to forward the autonomy issue to the autonomy committee. Ms. Ahn said they could have a motion to relieve the autonomy committee of obligation and decide for the autonomy committee. A motion to extend speaking time for ten minutes was made and seconded and passed by voice-vote.

Under Robert's Rules, they have the right to reconsider a vote if it was unanimous. There was a motion to move the question to the autonomy committee and now there's a motion to move to the ASUC representative. It was so moved and seconded. Ms. Quindel said the maker of the motion was on the prevailing side and could therefore make a motion to reconsider. The motion was to reconsider moving back to the autonomy section of New Business. The motion was seconded. Mr. Furmanski asked if they could move to delay. Ms. Quindel said that once it's approved, they could move to postpone. The motion to move back to the autonomy section of New Business failed by hand-vote. Ms. Quindel said they were still in the Manager's report.

#### Report from the ASUC Senate Representative

Ms. Quindel said the ASUC representative wanted to speak to the GA. A motion to go to the report from the ASUC representative was made and seconded and passed with no objection. Ms. Quindel said Ms. Khanjari had four minutes.

Ms. Khanjari said GA meetings were almost as long as ASUC Senate meetings. She introduced herself and said she was an ASUC Senator and was representative to the GA. It was an honor to be there. She admired the stance the GA took on autonomy and their striving for autonomy. She was there to report for the ASUC Senate, but didn't necessarily agree with the stance taken by the Senate. Her goal was to be an ally and resource for the GA, and if they'd like to meet with her about ASUC matters or strategy, she would invite them to do that.

The Office of the Academic Affairs Vice President, Mr. Mata, has two funds available to grads and undergrads. The Intellectual Community Fund mainly serves to provide support for speaker fees and other costs for events, in order to foster critical and intellectual exchange to the Berkeley campus and the surrounding community, up to \$1,500 for each event. The Academic Opportunity Fund awards grants for off-campus travel for research, conferences, academic competition, and independent research. While priority is given to undergrads for these funds, they're available to grads as well, and they could get up to \$500, and that amount could be waived so people could receive more. If grads are doing research, she would recommend that they apply.

In terms of Senate matters, regarding the GA's nomination of GA President Ms. Quindel, as mentioned, that nomination was rejected for the second time on Wednesday. Her nomination will be reviewed next Wednesday. If people have questions, Ms. Khanjari said she could answer them. The Senate went into executive session over the controversy about GA allocations and despite three or four motions to allow some form of GA representation into the meeting, the Senate decided to exclude the GA. The Senate went into executive session, and by a thin majority, voted to allow Ms. Quindel into the meeting.

Ms. Khanjari said Michael Moore tickets are on sale. He'll be speaking on October 18. The cost for students is \$5, and \$15 for non-students, put on by the President's office. Also, if Delegates have events in

Report from the ASUC Senate Representative  
(cont'd)

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Eshleman, thanks to through Executive VP Gomez, there's a wireless network in Eshleman, which they're working on having at MLK as well.

Mr. Hsu asked if it was her opinion that the obstruction going on in the ASUC was personally motivated and that autonomy did not really need to be an issue if people are cooperative with the process. Ms. Khanjari asked if he was referring to the Judicial Council or the Senate approving the nomination. Mr. Hsu asked about the nomination. Ms. Khanjari said it was her opinion that certain members of the Senate are basing it on personal views of Ms. Quindel and others, basing it on how she may have voted on specific items before the SOB. Ms. Khanjari said that was her personal opinion.

Mr. Furmanski asked about the appointment process for additional people for the Judicial Council. Ms. Khanjari said there are currently three people on the J-Council, and there are supposed to be seven. That's probably part of the reason for not having complete representation on the J-Council and having a more well-rounded opinion. Right now the Senate was considering four new appointments, which would go through the next Senate meeting if two-thirds of the Senate approves. Mr. Furmanski asked if that would happen. Ms. Khanjari said she couldn't comment on that. A motion to extend time for the report for five minutes was made and seconded and failed by voice-vote.

Report from the GA Business Manager (cont'd)

Ms. Dugas said they hired an Events Coordinator, Tiffany Crawford, from Mechanical Engineering. They're in the process of hiring two Web Coordinators and they're checking

references. They have about three more positions to hire, so if people were interested in working in the GA office, and not doing political stuff, there are open positions.

### Officers' Reports

Ms. Molina, External Affairs Vice President, said she submitted a report and would highlight some things. She wanted to thank all of them who volunteered for Prop. 54 actions at different BART stations about two weeks ago. It required people being there at 6 a.m., and she wanted to thank them and to show her gratitude for that contribution. People went to BART stations and educated people on Prop. 54 and registered them to vote. This was in connection with the UCSA Board taking an action in conjunction with the Statewide UCSA. Also, the UCSA Board constituted a Statewide Graduate Affairs Committee, composed of grads on campuses, and that Committee chose to highlight student parent issues in particular, dependent health care, and creating a policy for all UC campuses that was more beneficial to grads, to provide health care for dependents. Ms. Molina said she's part of that Committee, so if they want the Grad Affairs Committee of the UCSA to undertake something, they should talk to her.

Ms. Madon, Academic Affairs Vice President, said she had two quick announcements. From Prof. Ronald Gronsky, in Civil Engineering, and the Academic Senate Chair, all grads are encouraged to ask undergrads to utilize faculty office hours. For their students, the best way to conduct business with professors is by personal contact. Prof. Gronsky said faculty need to see students and hear from them, and

### Officers' Reports (cont'd)

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appreciate taking time for such visits, and would encourage GSIs and faculty to hold office hours. If no one shows up, it's a misuse. Carlos Fernandez, of Mechanical Engineering, and Associate Dean of the Grad Division, asked that they ask their fellow grads and grad leaders to participate in departments or grad groups for reviews and committees. Every grad group and department is reviewed by the Academic Senate every five years. Departments need active involvement of grads in the review process, which maintains quality of programs. To attract the best grads, they need grad input on how to make programs better. Grads should also participate in search committees, so if they hear of anything they should respond.

A motion to extend the meeting time by five minutes was made and seconded and passed with no objection.

Ms. Quindel, GA President, said they've been working with the Grad Division to work together better and have had meetings with Dean Mason. The Student Fee Strategy Committee was convened by the Administration to discuss campus-based student fees. These aren't student fee hikes they've heard about, such as from the Regents, but go to specific things. For example, the GA and the ASUC have a fee that goes to them. The Administration wants more grad input on this. So she would ask Delegates to please talk to her if they're interested. Campus-based student fees include fees like for the Tang Center and the Career Center. The ASUC gets money from a campus-based student fee, which the GA gets money.

Ms. Quindel said she would ask people to please contact her if they have questions about general stuff. She could point them in the right direction.

Regarding Standing Committees, Ms. Quindel said that Mr. Cantor outlined this in his report. Delegates should be hearing about their Standing Committees and will be getting an e-mail. One of the Officers will chair them temporarily and chairs will be elected at Committees' first meetings. She would ask Delegates to please respond to the e-mail and attend the meetings. Also, the GA will elect a chair of the Autonomy Committee at the next GA meeting. If people are interested they should talk to Ms. Dugas, since they'll be working closely with her. There are also External Affairs committees that people shouldn't forget about.

Reporting for the Graduate Council representatives, Mr. Ettlinger said the Registrar has decided to increase the amount of time a grad student can be away for their first year and still establish residency, from three weeks to six weeks. (Applause)

Ms. Quindel called for any further business. A motion to adjourn was made and seconded and passed with no objection.

This meeting adjourned at 8:47 p.m.

These minutes respectfully submitted by,

Steven I. Litwak  
Recording Secretary

Present at the October 2, 2003 GA Meeting

Duane De Witt, City & Regional Planning Integrative Biology	Chris Clark,
Leah Ackerman, Nuclear Engineering Nuclear Engineering	David Barnes,
Marlon Bailey, African American Studies Bioengineering	Carmel Levitan,
Sheryl Kane, Bioengineering Chemical Engineering	Lola Odusanya,
Kai Wang, Chemical Engineering & Regional Planning	Justin Doull, City
Thomas Philip, Education Education	Suzanne Mills,
Josh Fisher, ESPM	Peter Oboyski, ESPM
Amy Aisen, History of Art	Jessen Kelly, History
Deborah Pedersen, IEOB Studies	Sylvia Valisa, Italian
Christine Petersen, Integrative Biology	Chad Heeter, Journalism
Funmi Olorunnipa, Law Jurisprudence & Social Policy	Takeshi Akiba,
Lillian Hardy, Law	Ross Astoria, Law
Rishi Sharma, Law, J.D., Program Linguistics	Marc Ettlinger,
Johanna Franklin, Logic & the Methodology of Science Mathematics	Peter Gerdes,
Susan Mashiyama, MCB	Andro Hsu, MCB
Kathryn McElroy, MCB Mechanical, Engineering	Jevan Furmanski,
Jessica Preciado, Mechanical Engineering Mechanical Engineering	Julian Lippmann,
David Bithell, Music Performance Studies	Monica Stufft,
Matthijs Randsdorp, Physics Plant & Microbial Biology	J. Peter Coppinger,
Allison Cole, Public Policy Social Welfare	Natasha Ong,
Maria Hollowell-Fuentes, Sociology	Paul
Macneilage, Vision Science	

Chris Cantor, GA Departmental Liaison  
GA President  
Cintya Molina, GA External Affairs Vice President  
Dugas, GA Business Manager

Jessica Quindel,  
Nzingha

Resolution Requesting the Graduate Assembly Co-Sponsor a Rally for Affordable Housing for Graduate Student Families In October In Sproul Plaza (as amended on the floor)

Whereas, the University of California plans to redevelop the University Village and housing options for graduate and undergraduate student families and will demolish the Section A and Section B apartments and replace them with 587 units for 1,034 graduate students; and in addition to this new housing, the University plans on leasing retail space to shops and a full-scale grocery store on San Pablo Ave; and

Whereas, the new apartment units will exceed the budget of most student families given that a two-bedroom apartment in Section B costs \$756 a month for 655 square feet while an equivalent apartment in the new section rents for \$1,232 a month for 987-1107 square feet; and

Whereas, the University of California's current redevelopment plans for the University Village jeopardize affordable housing for graduate students since many families will be unable to afford to continue their education and many prospective students will opt for other universities with more affordable housing; and

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Resolution Requesting the Graduate Assembly Co-Sponsor a Rally for Affordable Housing for Graduate Student Families In October In Sproul Plaza (cont'd) (as amended on the floor)

Whereas, the University has demonstrated the need to replace Section A apartments, but has failed to provide adequate evidence to justify the destruction of Section B apartments while arguing that the presence of mold in Section B apartments make remodeling and renovation impractical, even though this mold is also readily found in new apartment units; and

Whereas, the University will select a developer and make a final decision on the demolition of Section B in October; and

Whereas, the University should support affordable student housing for families and delay demolition until it a more viable redevelopment plan is adopted;

Therefore Be It Resolved, that the Graduate Assembly co-sponsor a rally with the Village Residents Association for affordable housing for graduate student families in October and help publicize the event in order to mobilize the University community and prompt the University Administration to reconsider current development plans.