

## BFA ANNUAL REPORT ACADEMIC YEAR, 2015-2016

This has been an interesting and intense year. It began with the announcement that the Berkeley campus was suffering from a \$150 million annual structural deficit, \$100 million of which comes from servicing the debt incurred on capital projects. This set the context for much of what followed, but it got diverted by a series of cases of sexual harassment that were mishandled by the campus administration, calling its leadership into question. Beyond the campus but affecting the campus, negotiations between Napolitano and Brown resulted in the May Revise Budget of 2015, which led to the development of a third pension tier for new faculty, acceptance of increased enrollment of students at each of the campuses, and new regulations for running the campus. The BFA joined with the other UC faculty associations, as well as the Academic Senate, in opposing (unsuccessfully) the new pension tier, and called for special Senate meetings on the harassment and budget issues. It has also been developing relations with its sister organizations - AFSCME, UAW, and AFT.

### 1. *Budget Deficit*

We have known that the budget deficit was growing ever since former VC for Finance and Administration, John Wilton (who resigned in February 2016), made projections some three years ago. The administration (both the Berkeley campus and UCOP) complained that the legislature has been far from supportive in its funding while insisting on keeping fees frozen. Unable to raise revenues through regular tuition, Berkeley was operating in the red, and would exhaust its reserves in three years. Such a predicament turned the attention of the administration to new (and not so new) ways of raising revenues ("public - private partnerships," enlargement of non-academic staff in Development, for-profit MA programs) and-most controversially-cutting costs without resorting to "across-the board" reductions. A new "Office for Strategic Initiatives" was to recommend program cuts and academic realignment. As we were told, the plan was to focus on those parts of campus that were somehow "less than excellent".

At two Academic Senate meetings in November and February, the administration repeated the alarm and its determination to make "strategic" cuts, but offered no concrete plans; then-EVCP Steele reiterated that "everything is on the table." Rumors swirled of a "Valentine's Day massacre," but nothing was forthcoming until March, when faculty heard more concrete rumors of various "realignment" plans: to dissolve the College of Chemistry, to merge ESPM with the biological sciences, to abolish the undergraduate major in Public Health. All this created an uproar from faculty, and the administration beat a rapid retreat. At the senate meeting of May 3<sup>rd</sup>, a resolution was passed to place the restructuring of the campus in the hands of the faculty and separate this from solving the budget deficit. By the end of the year, therefore, we are no nearer solving the problem of budget deficit, although the Chancellor magically announced on May 3<sup>rd</sup> that we were on course to reduce budget deficit by \$85 million by the end of the next fiscal year.

## 2. Sexual Harassment

The university was plagued with three widely publicized cases of sexual harassment perpetrated by distinguished faculty. In the Fall, BuzzFeed revealed that the astronomer Geoffrey Marcy, a potential Nobel Laureate, had been found culpable of sexual harassment over a period of years but had been dealt soft punishment by the administration. Once this became public, the administration looked inept and his colleagues took the case into their own hands, condemning his behavior. Marcy resigned. In the Spring we learned that Graham Fleming had resigned under protest from his position as Vice-Chancellor for research, on being found culpable of sexual harassment of his subordinate - a subordinate who had herself been fired for increasing the salary of one of her subordinates with whom she had been having an affair. But, as if this was not enough, and as though it were compensation, the Chancellor then made Fleming Ambassador of the putative Global Campus.

The issue of sexual harassment was brought to a head when Tyann Sorrell, the executive assistant to Sujit Choudhry, Dean of the Law School, decided to press charges against the university for the damages she suffered as a result of Dean Choudhry's harassment of her. Faculty were outraged when it was discovered that EVCP Steele had negotiated soft punishment for Choudhry - 10% reduction in salary, letter of apology, and counseling - in private and on the grounds (as he told Sorrell) that he didn't want to ruin Choudhry's career. This prompted protest letters from [feminist faculty](#), from department chairs organized across the campus, and the calling of a special meeting of the Senate. Shortly thereafter, EVCP Steele resigned.

BFA was centrally involved in these matters, working with different concerned bodies on campus, calling for a [Special Meeting](#) of the Senate, and proposing a resolution at the end of year that passed in a packed Divisional Meeting of the Senate to establish a committee to oversee the administration's decisions with regard to faculty who have been found culpable of sexual harassment by the Title IX office (Office for the Prevention of Harassment and Discrimination).

## 3. Leadership Crisis

Over the year it has become increasingly apparent how out of touch the Chancellor and Executive Vice Chancellor have been. Despite the financial alarms sounded by the VC for Administration and Finance, most of Chancellor Dirks' attention until this past fall was focused on his proposal for a "Global Campus." While "thinking globally," Dirks' most public "local" action in 2015-16 was to build a \$700,000 fence around University House, even as he also purchased a private residence in the Berkeley hills. EVCP Steele, charged with overseeing campus realignment, when asked by faculty for information about the principles and evaluative methods for determining cuts, merely repeated the mantra: "Everything's on the table." Meantime, in the midst of a financial crisis made worse by the effects of the previous administration's Bain management creature, "Campus Shared Services," Vice Chancellor Wilton, who repeatedly promised that CSS would eventually save rather than lose money, abruptly resigned. Dissatisfaction with the Office of Strategic Initiatives prompted the resignation of Vice Provost Andrew Szeri. The former Vice Chancellor for Equity

and Inclusion, Gibor Basri, wrote a widely circulated email message that Geoff Marcy had suffered "the most" on being found likely to have engaged repeatedly in sexually harassing behavior. Chancellor Dirks' claim of not having been involved in deciding the sanction of Choudhry was undermined by materials made available in the Sorrell lawsuit and then in Dean Choudhry's public grievance. Many faculty at both of the special Senate meetings called in April supported considering a vote of "no confidence." Only the appointment of Carol Christ, former Berkeley EVCP and past president of Smith College, as interim EVCP, and the Chancellor's acceptance of responsibility for a series of mistakes - as well as a promise to close the "Office for Strategic Initiatives" - turned the tide.

#### *4. The Fall-Out of the May Revise*

In May 2015 President Napolitano and Governor Brown negotiated a new budget agreement. In exchange for a one-time state contribution to the \$2.6 billion unfunded liability of the UC Retirement Plan of \$436 million, UC agreed to a moratorium on tuition increases and the creation of a new, third tier of less secure benefits for employees hired after June 2016. In response to a promise of \$25 million in additional funds from the California legislature, UC also agreed to increase enrollment of in-state students by 5,000, which entailed about 750 more students at Berkeley alone. In addition, the committee of finance in the Governor's Office would oversee a series of instructions to the campuses, designed to speed up completion to degree.

Charged by the Governor to bring the UCRP in line with the PEPRA (Public Employees Pension Reform Act) cap of \$117k on pensionable salary, UCOP President Janet Napolitano convened a task force charged with the impossible goal of maintaining the "competitive advantage" of UCRP in attracting and keeping faculty and staff while reducing the Defined Benefits of new hires. The [BFA](#) worked vigorously with [Senate leadership](#), both at Berkeley and UC-wide, in opposing the Napolitano task force recommendations-especially the UCOP-initiated proposal to offer a full "Defined Contributions" option, attractive mostly to short-term, highly-paid administrators.

[James Vernon](#) and [Celeste Langan](#) made the following arguments against the new tier : (a) it wouldn't save much money, certainly not in the short term; (b) that it would force campuses to improve the recruitment and retention packages for new faculty to make up for loss of UC's lavish DB system; (c) that such a generous pension system was necessary to compensate for the extensive (on average 10 years) preparation of faculty as graduate students when they are out of the labor market and accumulating debt; (d) the new tier would encourage faculty to put their money in the DC opt-out that would draw funds away from and threaten the viability of the DB system upon which the university has depended; (e) dependence on defined contributions would encourage faculty mobility as they could take their pension savings with them to another job where the system of defined benefits encouraged loyalty to UC. The task force set up by UCOP reported faculty concerns but Napolitano made only minor adjustments to the new scheme.

A second consequence of the May Revise was the mandated increase in undergraduate enrollment that came from UCOP. The UC system as a whole would have to accept 5,000 more students and of these Berkeley would have to

accept 750 students. It was not at all clear how the campus would be able to absorb such an unprecedented increase in enrollments, especially given that the state was funding the increase at \$5,000 per student--half the estimated cost to the university. [Undergraduates are already having to pay tuition and fees to the tune of \\$15,000](#). Although the vaunted "return to aid" program means that some 40% of students don't pay any tuition at all, other costs (especially housing, especially near the Berkeley campus) are rising steeply, and an increased demand on residence will likely push up already inflated housing costs.

In response to the budget short-fall, starting in 2008, UC campuses, but especially Berkeley and UCLA, have exploited their international renown by recruiting ever greater numbers of out-of-state and international students, amounting to 34% of admitted freshmen in 2015. Out-of-state students pay some \$23,000 more than in-state students. The mandate to raise revenues by increasing out-of-state enrollment, however, undermines the strongest claim UC has on state funding. This apparent conflict of interests (between revenue-generation and public service to the state) was exacerbated by a report of the Auditor General claiming that UC was admitting out-of-state students less qualified than in-state students it rejected. California state legislators, led by Kevin McCarty (D-Sacramento), reacted by proposing legislation that would limit out-of-state enrollments to a 10% maximum (averaged across the 10 campuses). The final outcome is that 2016 Budget Agreement asks the Regents to impose an unspecified cap on the percentage of out-of-state students.

A third element of the May Revise is UCOP supervision of the campus instructional programs. In a 15-point plan, called the Budget Framework Implementation, the Governor called on campuses to improve time to degree by offering three-year pathways, capping the number of requirements for majors, more extensive use of credit by examination and AP credit, promotion of on-line education as well as facilitating transfer pathways from two year colleges. Overseen by the finance committee in the Governor's office, aided and abetted by UCOP, this represents unprecedented interference in the way the campus organizes its education. All in all, the May Revise proved to be a disaster for UC, although it was presented in Oakland as a great success.

## 5. Relations with Sister Organizations

The budget deficit, sexual harassment, and leadership crisis have brought different sections of the campus together, around specific issues.

Last summer BFA supported graduate students protesting the elimination of health insurance for Graduate Students with dependents. We convened a joint working group, "Our University," with the graduate student union, an affiliate of the UAW. Initially we decided to study the university from the standpoint of the lecturers, but this morphed into a study of the university as a whole, in particular the structure of senior management. In Spring, campus events, described above, overtook this study group.

Many campus low-wage service workers - custodians, car park attendants, stadium workers - labor under appalling conditions, employed by subcontractors, some of whom were under federal investigation for violating labor laws. BFA wrote a strong letter of support for the Senate Bill SB376 that would outlaw outsourcing on campus, but the Governor vetoed it after President Napolitano had mandated a \$15 minimum wage for all UC employees. The Student Labor

Committee together with AFSCME continued to fight against outsourcing and adopted the novel strategy of organizing boycott of campus visits by directly approaching invited dignitaries. BFA supported the campaign that eventually forced the campus administration to insource all workers. A rare success!

Represented by AFT (American Federation of Teachers) lecturers were without contract this year until they undertook public protest against the university for refusing to negotiate in good faith. BFA supported their campaign for a new contract and AFT eventually won an agreement that included wage increases and improved working conditions. The BFA has also been working with the Senate Committee on Educational Policy, which fielded a survey on the working conditions, careers and aspirations of lecturers.

## *6. Membership and the Senate*

Board Members of the BFA have been well represented on Senate Committees: Divisional Committee (DIVCO); FWEL (Faculty Welfare); CEP (Committee on Educational Policy). The BFA called the Special Meeting on Sexual Harassment, pressed the administration for more information and accountability at the 5 Senate meetings, and spoke on behalf of the Council of UC Faculty Associations (CUCFA) at fall and spring meetings of the Regents.

We are slowly but surely increasing our membership, which is approaching 250. Following up on last year's convivial BFA "socials," we welcomed members and prospective members to two end-of-semester get-togethers at the Beta Lounge near campus.

An Election Notice was sent to the membership with the names of the candidates on April 8, 2016. Since we heard no opposition to these nominations prior to the May 1, 2016 election close, we now accept this slate of nominees as the Board elect for 2016-2017. Zeus Leonardo will continue his current term on the Executive Board, and current board member Chris Rosen has agreed to be appointed to the board at the end of her term on June 30, 2016. Michael Burawoy, Peter Glazer, Gillian Hart, Lyn Hejinian, Leslea Hlusko, Celeste Langan, Greg Levine, Colleen Lye, Line Mikkelsen, Leslie Salzinger, Shannon Steen, and James Vernon have been reelected for a term beginning July 1, 2016. Past Chair Wendy Brown remains a valuable advisor. We welcome 4 new appointed Board Members: Julia Bryan-Wilson (History of Art), Penny Edwards (South and South-East Asian Studies), Seth Holmes (School of Public Health), David O'Sullivan (Geography).

We are acutely aware that we must extend our reach beyond the social sciences and humanities and we should take advantage of the momentum of the last two years that have seen faculty incensed by the various moves of the administration, both campus and system-wide.

Michael Burawoy and Celeste Langan (co-chairs)  
June 21, 2016