

Memorandum of Understanding

This Memorandum of Understanding is intended to set forth the terms of the agreement between the Chancellor (“University”) and the Associated Students of the University of California (“ASUC”) on the Berkeley campus regarding the temporary use of the Heller Lounge space in the Martin Luther King Jr. Student Union Building as Phase II of a Multicultural Center for multicultural student programming, in accordance with the demands of 1999 third world Liberation Front (twLF) and the May 7th, 1999 agreement in support of Ethnic Studies.

WHEREAS, a multiracial coalition of students came together and formed the third world Liberation Front (twLF) in 1969 and demanded that the University acknowledge the histories of communities of color as vital scholarship; and

WHEREAS, the three month long twLF protests of 1969 led to the creation of the Ethnic Studies Department; and

WHEREAS, in 1999, under the banner of the third world Liberation Front, University of California Berkeley (UCB) students protested a series of cuts to the Ethnic Studies Department by holding rallies, sit-ins, building occupations, and a hunger strike; and

WHEREAS, UCB’s administration, Department of Ethnic Studies, and Academic Senate, in response to the April Protests, entered into a five point Agreement in Support of Ethnic Studies with students on May 7, 1999, whose terms were to be met within five years of the date the Agreement was reached; and

WHEREAS, in the May 7, 1999 Agreement, the University agreed to establish a Multicultural Center on the UCB campus and provide resources which led to the current staff position of Director of Cross Cultural Student Development; and

WHEREAS, the University has not established a comprehensive Phase III Multicultural Center nearly nine years after the 1999 agreement; and

WHEREAS, in April 2004, the bridges Multicultural Resource Center released a list of demands to Chancellor Berdahl in response to the Fall 2004 undergraduate admission statistics, which showed a low number of students of color admitted to the University of California. The demands included a permanent Multicultural Center and the creation of a new position titled Vice Chancellor of Diversity Affairs; and

WHEREAS, in July 2007, Chancellor Birgeneau, after consultation with the campus community and approval of the UC Regents, instituted the position of Vice Chancellor for Equity and Inclusion; and

WHEREAS, in spring 2004, through the vehicle of their elected representatives, the students offered their own resources in the Martin Luther King Jr. Student Union to help meet the urgent need for a space serving marginalized and underrepresented communities; and

WHEREAS, on September 16, 2005, the ASUC and the University agreed to establish a temporary Phase II Multicultural Center in Heller Lounge; and

WHEREAS, Multicultural Student Development serves as the supportive infrastructure for the Multicultural Center; and

WHEREAS, though, for the past three years, the temporary Multicultural Center has struggled for financial resources and lacked a single dedicated staff-person, the space has been heavily utilized by many diverse communities; and

WHEREAS, the ASUC Auxiliary has requested \$225,000 for the physical renovation of the space, and indicated that, “with no defined date for construction of the Phase III Center, improvement of the existing facility is a minimum condition for continued use and development of the site for programming and to encourage access by the campus community;” and

WHEREAS, in the 2005 Memorandum of Understanding, Item #12 read “the University shall make a good faith effort to make progress towards a Phase III (stable) Multicultural Center...”; and

WHEREAS, the current twLF collective does not feel the University has demonstrated a “good faith effort” towards ensuring a permanent Multicultural Center; and

WHEREAS, the temporary Multicultural Center in Heller Lounge and the staff in Multicultural Student Development have begun to address the need for space and programming for students to engage in intercultural dialogue, analysis, education, support, and celebration; and

WHEREAS, representatives of the ASUC, twLF and the University have agreed that, until a comprehensive Phase III Multicultural Center is established, the Heller Lounge and OCF space in the Martin Luther King Jr. Student Union are the best option for the continued Phase II Multicultural Center; and

WHEREAS, to provide context and preserve institutional knowledge, a copy of a preliminary vision for the Phase III UC Berkeley Multicultural Center, produced in February 2008 by students in twLF and the ASUC, is attached to this Memorandum of Understanding.

THEREFORE BE IT RESOLVED, the University and the ASUC hereto agree as follows:

1. The ASUC will partner with the University and allocate the use of Heller Lounge and the former Open Computing Facility (OCF) in the Martin Luther King Jr. Student Union Building, valued by the ASUC Auxiliary at approximately \$237,000/year, to the University for the purpose of establishing a temporary Phase II Multicultural Center for a period beginning July 1, 2008 through June 30, 2011.
2. The Multicultural Center Advisory Board shall ensure that the Phase II Multicultural Center fulfills its mission to facilitate education, critical analysis, research, awareness, and dialogue that will address issues of diversity and ways to make the campus more welcoming and inclusive. The Board shall be comprised of the following members:
 - a. Student representative from Cross-Cultural Student Development
 - b. Student representative from Asian Pacific American Student Development
 - c. Student representative for the South Asian student community, appointed by Asian Pacific American Student Development in consultation with ASUC-sponsored South Asian student organizations
 - d. Student representative for the Pilipin@ student community, appointed by Asian Pacific American Student Development in consultation with ASUC-sponsored Pilipin@ student organizations
 - e. Student representative from African American Student Development
 - f. Student representative from Chican@/Latin@ Academic Student Development
 - g. Student representative from Native American Advisory Council
 - h. Student representative from Gender Equity Resource Center – Women's Programs and Services
 - i. Student representative from the Gender Equity Resource Center – LGBT Programs and Services
 - j. Student representative from *bridges* Multicultural Resource Center
 - k. Student representative from the third world Liberation Front
 - l. Student representative from Disabled Students' Program
 - m. Student representative from the Jewish Student Union
 - n. Student representative from the Muslim Student Association
 - o. ASUC Commissioner on Diversity Affairs

- p. One ASUC Senator, appointed by the ASUC Senate
 - q. Student representative from the Ethnic Studies Collective
 - r. Student representative from the Gender and Women's Studies Student Association
 - s. Multicultural Center Coordinator
 - t. Faculty/staff representative from the Ethnic Studies Department
 - u. Faculty/staff representative from the Gender and Women's Studies Department
 - v. All Multicultural Center Interns
 - w. Student-at-large representative, appointed by the Chancellor
 - x. Staff representative from Multicultural Student Development
 - y. Staff representative from Equity and Inclusion
 - z. Staff representative from ASUC Auxiliary
3. Each representative to the Advisory Board shall be appointed by their department or organization. The department or organization may determine the length of their term and whether to appoint alternate representatives.
 4. Quorum for the Advisory Board shall be set at a majority of the membership. If both the representative and alternate have missed more than three meetings in an academic year, then that group will no longer count in the quorum. Quorum shall be necessary for the Board to conduct business.
 5. The Multicultural Center Advisory Board shall meet from 5:00pm to 7:00pm on the second Thursday of each month during instruction. They shall develop their own leadership structures, subcommittees, and other procedures as needed. Their meetings shall be open to the public, and agendas and minutes shall be posted on the Multicultural Center website. The Board shall review all aspects of the Multicultural Center, and they shall provide input and instruction to the Operations Committee and the Multicultural Center Coordinator. The Board may add new members to better fulfill their mission.
 6. The Multicultural Center Operations Committee shall oversee the operations and programming of the Phase II Multicultural Center. The Board shall be comprised of the following members:
 - a. Multicultural Center Coordinator
 - b. ASUC Commissioner of Diversity Affairs
 - c. Student representative from Multicultural Student Development
 - d. Student representative from Multicultural Center Staff
 - e. Student representative from *bridges* Multicultural Resource Center
 - f. Student representative from the third world Liberation Front
 - g. Staff representative from Multicultural Student Development
 - h. Four student representatives appointed by the Advisory Board

7. Each representative to the Operations Committee shall be appointed by their department or organization. The department or organization may determine the length of their term and whether to appoint alternate representatives.
8. Quorum for the Operations Committee shall be set at a majority of the membership. Quorum shall be necessary for the Board to conduct business.
9. The Multicultural Center Operations Committee shall meet at least every other week during instruction. They shall develop their own leadership structures, subcommittees, and other procedures as needed. Their meetings shall be open to the public, and agendas and minutes shall be posted on the Multicultural Center website. The Operations Committee shall oversee all aspects of the Multicultural Center, including, but not limited to, financial allocations and budgets, hours of operation, staffing, hiring, and programming. The Committee shall create criteria for determining what is considered "multicultural programming." The Committee shall fulfill any other duties assigned by the Advisory Board. All decisions and actions of the Operations Committee are subject to review by the Advisory Board.
10. The University will provide funding for a Multicultural Center Coordinator (1.0 FTE, starting at no more than \$50,000/year). The Multicultural Center Coordinator shall be a student services professional in the campus' Student Services classification.
11. The University shall allocate \$90,000/year to the Multicultural Center Operations Committee for programming costs. This will include at least 6 Multicultural Center Interns (work-study students, 10 hours/week, \$12/hour). The programming funds will be allocated by the Operations Committee as it deems best to fulfill the overall mission of the Multicultural Center. Because the University and the students recognize that the Phase II Center cannot accommodate all the purposes of the permanent, Phase III space, funding shall be available for all UCB student-organized events that fit the Center's mission, regardless of location. The Operations Committee shall actively publicize the potential for participation in the Multicultural Center, including the availability of funds, to the campus community.
12. In collaboration with the Advisory Board and Operations Committee, Multicultural Student Development (MSD) will be responsible for hiring, supervising, and housing the Coordinator and interns who will also be accountable to the Advisory Board and Operations Committee. If there is a dispute or differences of opinion between MSD and either the Board or the

Committee, all parties will work to resolve the issue in a public and transparent manner and may utilize campus resources including third party conflict resolution.

13. At the beginning of the fall semester, the Operations Committee shall create a list of goals. The Coordinator shall be responsible for working with the Committee to produce a report by March 31st of each year. The report shall include, but is not limited to, the financial status of the center, a record of financial transactions, an overview of the year's programming and facility usage, and the Committee's progress on accomplishing its goals. The report shall be made available to the public and posted on the Multicultural Center Website. The Coordinator shall present the report to the ASUC Senate and the Multicultural Center Advisory Board at their next regular meeting following the report's completion.
14. The Multicultural Center Coordinator shall be responsible for the operations and programming of the space, as directed by the Advisory Board. The incumbent shall coordinate Multicultural Center Advisory Board and Operations Committee meetings by soliciting agenda items, distributing agendas in a timely fashion, scheduling meetings, and confirming a location. The incumbent shall manage the Multicultural Center Interns, create and maintain a Multicultural Center website, support and initiate programming in the space, collaborate with the ASUC Auxiliary on operational matters such as reservations, and fulfill any other duties assigned by the Advisory Board. The incumbent will assist the Advisory Board and Operations Committee in ensuring fiscally responsible operations.
15. The University shall undertake the following steps to renovate the space of the Phase II Multicultural Center, in accordance with the directions of the Advisory Board.
 - a. Hire an architect to redesign the physical space of Heller Lounge and the former Open Computing Facility, including working drawings and cost estimates to make it workable as an interim Multicultural Center.
 - b. Incorporate the renovation of the Multicultural Center in the strategic plan of the Vice Chancellor for Equity and Inclusion.
 - c. Commit a sum of \$40,000 for capital improvements to this space to be spent in fiscal year '08-09.
 - d. Undertake a sustained, concerted, and high priority effort to seek all possible funding for the renovation, the amount of which should be

no less than \$200,000, including but not limited to incorporating this request into all appropriate extramural proposals.

- e. Regularly report to the Operations Committee on the status of funding for renovating the space.
 - f. Meet with the Advisory Board no later than April 15, 2009 to report on the concrete plan for renovating the space.
16. The University shall allocate up to \$25,000/year to the ASUC Auxiliary in reimbursement for programmatic expenses incurred by the ASUC Auxiliary, for example setting up of events and moving furniture.
17. The ASUC will retain all furniture and equipment in use by the Multicultural Center beyond the expiration of this Memorandum of Understanding, with the exception of furniture and equipment requested for the Phase III (stable) Multicultural Center, as deemed appropriate by the Advisory Board.
18. The ASUC Auxiliary will continue to manage the physical aspects of the space and provide the services required by the 1998 Commercial Activities Agreement. The University will, further, acknowledge that although "the University owns the Student Union, Eshleman Hall, and Anthony Hall on the UCB campus, [...] as a result of the sources of funding for such buildings, the University has granted the ASUC as the UCB student government, the right to occupy and use the following University buildings, subject to all applicable University policies and regulations: the Student Union (but not including the Student Union Garage), Anthony Hall and Eshleman Hall [...] ASUC has the right to determine the usage policies and procedures, and allocation for student government and student activities of space in those buildings".¹
19. The ASUC and the University understand and agree that since this placement of the Multicultural Center is temporary, this space can also be used by both the ASUC (including student groups) and the University for their programming needs, with the understanding that any and all multicultural programming that meets the criteria established by the Operations Committee shall be given priority for use of this space.
20. The University recognizes the immediate need for a comprehensive Phase III Multicultural Center and agrees to prioritize its creation in all possible ways, including, but not limited to,
- a. The creation of the Chancellor's Advisory Committee on the Multicultural Center, which shall advise the Chancellor on the

¹Section 6.1 and 6.2 of the 1998 Commercial Activities Agreement

creation and design of a Phase III Multicultural Center reflective and inclusive of the students' visions. At least one-third of the committee's membership shall be composed of students appointed by the Advisory Board.

- b. A standing workgroup for the Multicultural Center, similar to the Lower Sproul workgroup of 2006-2007, composed of representatives from Capital Projects, Equity and Inclusion, the ASUC, and the MCC Advisory Board.
- c. A meeting at least once per semester between the Vice Chancellor of Equity and Inclusion and the Multicultural Center Advisory Board to provide updates and receive feedback on the progress of the Phase III Multicultural Center.
- d. An annual meeting between the Chancellor and the Multicultural Center Advisory Board to provide updates and receive feedback on the progress of the Phase III Multicultural Center.
- e. An annual report about the progress of the Phase III Multicultural Center, to be produced by March 1st of each year and publicly posted on the Multicultural Center website. This report shall be part of broader efforts to ensure transparency between the University and the students.

21. Six months before the termination of this Memorandum of Understanding and after consultation with students who have been involved in activities in the Multicultural Center in Heller Lounge, the ASUC and the University will meet to decide whether to renegotiate and/or extend this agreement.

Robert J. Birgeneau, Chancellor
University of California at Berkeley

Van Nguyen, President
Associated Students of the
University of California at
Berkeley

April 16, 2008

A Vision for the UC Berkeley Multicultural Center

Prepared by Students in the third world Liberation Front & the
Associated Students of the University of California
February 11, 2008

Physical & Virtual Resources

- Student art & murals reflecting the history and purpose of the Center
- A multimedia library & media resource center
- Accessible to people of all abilities
- Gender-neutral restrooms
- Environmentally sustainable, “green” building
- “Green” space such as a garden and/or lawn
- Kitchen & food-serving space
- Office spaces for student groups
- Meeting rooms for students
- Digital filmmaking & computer lab
- Rehearsal rooms
- Auditorium with audio-visual equipment
- Lounge
- Storage space
- Posting area/bulletin boards
- Visible exterior signage
- Fully functional website with virtual services

People & Staffing

- Full-time staff for the Multicultural Center
- Student staff for the Multicultural Center
- Academic & social support staff, such as Student Life Advising Services, & health services
- Inclusion of existing cross-cultural centers, such as the Multicultural Student Development Offices, the Gender Equity Resource Center, the Queer Alliance Resource Center
- Inclusion of the Ethnic Studies Department
- Governing Board predominantly consisting of students
- Significant student power in hiring and decision-making
- Security without criminalizing students or community members

We hope that this vision can be incorporated in the 2008 Memorandum of Understanding as much as possible. Some recommendations for short-term implementations include:

- Extending the hours of the Ethnic Studies library
- Improving the Open Computing Facility & the Publications Center to meet the multimedia and technological needs of students
- Drop-in support services, such as advising or health services
- Increased control over lighting