In its March 6, 2023 meeting, CAP discussed the proposed Presidential Policy on Anti-Discrimination. The committee commends the effort toward more effectively promoting an inclusive campus atmosphere through a unified, comprehensive and clear central policy on anti-discrimination. Below are our comments and suggestions.

- CAP is pleased to note recognition of the difficulty in disambiguating perceived discrimination from potentially legitimate academic freedom expression, and the associated efforts to balance the two. However, it is not clear when the implication of academic freedom will be assessed during the resolution process, and whether there could be temporary repercussions to a faculty member for cases that are eventually assessed to implicate academic freedom since this assessment appears to be undertaken after a formal investigation is opened. As a result, we are concerned that the proposed policy may still exert a chilling effect on academic freedom.

- In cases of harassment, discrimination by unfavorable action, or retaliation, there is an inappropriate action taken by the respondent. Conversely, in the case of discrimination through “failure to accommodate”, it is not clear who has the responsibility for the accommodation. In particular, it should be clarified whether the University is always the respondent in these cases since the proposed policy states “… Failure of the University to provide reasonable accommodations to individuals when required by law” (page 3); if not, then how the responsibility is assessed in the case of a complaint needs to be clearly laid out. Moreover, we believe it is worthwhile to emphasize/clarify whether accommodations for other protected categories not required by law (e.g., not accommodating religious holidays) also constitute discrimination.