

3125 Murphy Hall
410 Charles E. Young Drive East
Los Angeles, California 90095

March 8, 2023

To: Jessica Cattelino, Chair, UCLA Academic Senate

From: James Bisley, Chair, Graduate Council

Re: (Systemwide Senate Review) Proposed Presidential Policy – Anti-Discrimination

At its meeting on March 3, 2023, the Graduate Council reviewed and discussed the *(Systemwide Senate Review) Proposed Presidential Policy – Anti-Discrimination* and offers the following observations for the Executive Board's consideration:

- On page 4, under the definition of "Preponderance of Evidence," some members had concerns regarding the determination for the standard of proof and recommended that the standard of proof considers malicious intent and that nonevidence issues do not have an impact.
- Some members expressed concerns that the broad definition of prohibited conduct may have unintended effects and recommended providing explanatory text on what does not fall under prohibitive conduct. The underlying concern was about the mandatory reporting by Responsible Employees (first paragraph, p 5 of 23). Given the breadth of the definition, Responsible Employees will either have to report every complaint or risk being held responsible for failing to report issues that they may reasonably consider not to be discrimination, but that others may interpret as discrimination.
- On page 3, some members had linguistic comments regarding the inconsistent use of the adverb "unreasonably" under section 2.a Unfavorable Action, and questioned the lack of the adverb before the phrase "materially interferes."

We appreciate the opportunity to express our views on this matter. If you have any questions, please contact us via Graduate Council's Analyst, Emily, at ele@senate.ucla.edu.