

OSA Senate Agenda
March 12, 2019 at 4:45 PM
Reeve Memorial Union, Room 210

I. Call to Order – Pledge of Allegiance at 4:48 PM.

II. Roll Call -

III. Open Forum –

There was an incident that happened today regarding the election. We just want to reiterate that we do not condone these actions and there have been statements sent out by all candidates.

IV. Approval of the Agenda –

V. Approval of the Minutes –

VI. Club/Org Recognition –

OSA 18-026

BE IT RESOLVED: That the OSA Senate and OSA Assembly gives recognition and voting privileges to those Organizations with “Assembly” after their names:

1. Best Buddies – new organization

Sponsored by: Ellen Dodge, OSA Speaker of Assembly

Senator Dahse brought to the floor.

Senator Britt seconded.

Best Buddies: Mission is to establish a movement that creates opportunities for 1:1 friendships between students and people with mental and developmental disabilities.

Senator Dahse: Are there people already involved?

Best Buddies: We are in the beginning phases and this will be a chapter under Best Buddies International.

President Howard: Will this be just for students or will it be community based?

Best Buddies: It is for anyone who wants to join. We are hoping for a large number of people to join so we will rely on community as well.

Placard vote unanimous in favor.

VII. Guest Speakers –

Dr. Brian Xiong – Event Accessibility Policy and Veterans Employment Policy

VIII. Officer Reports –

- a. Speaker Pro-Tempore – (Shane – osaspeakerpt@uwosh.edu) -
- b. Speaker of the Assembly – (Ellen – osaspeaker@uwosh.edu) – On Friday I attended the joint shared governance meeting in Madison and the main aspect that regards students is that Governor Evers has placed in his proposed budget \$50 million for funding the freeze. On Saturday I attended the UWSSR meeting at UW-Riverfalls. The main resolution that was discussed was the Student Medical Leave Act. I will touch more on this during new business. There will also be an inclusivity summit April 12-14th at UW- Platteville, if you're interested let me know and I can give you the registration info.
- c. Chief of Staff – (Colin – osacos@uwosh.edu) – Next week is Faculty Senate so that's really all I have right now. Try to get more people to vote.
- d. Vice President Pro-Tempore – (Coleman – osavppt@uwosh.edu) – I met with the other executive members to make sure I am doing everything right. I will be working on the spreadsheet so that will be done soon.
- e. Vice President – (Stephanie – osavp@uwosh.edu) – If you guys are free for tabling tomorrow that would be really awesome. We have it covered from 1-5, but we still need someone there from 5-8. Keep in mind that we don't have to pass the Constitution changes because it's really not subject to our approval as it is with the students now.
- f. President – (Ronisha – osapres@uwosh.edu) – We just came back from Titans Take the Capitol. We met a whole bunch of legislators and the gov. and Lt. Gov. The big topic of conversation was the Governor's proposed budget. So far it looks like things are going pretty well. And I was thinking that we could send everyone that we talked to today a Thank You card for listening to us. And now the only thing left to do is wait for it to come up.
- g. OSA Office Manager – (Kyla Brown – brownk31@uwosh.edu) – Violations forms are on the OSA website so people can find them there.
- h. OSA Advisor – (Dr. Art Munin – munina@uwosh.edu) –
- i. OSA Academic Liaison – (Thomas – wolft@uwosh.edu) –
- j. OSA Directors and Ambassadors – Jean Kwaterski: You all should have gotten an email from me about the incident that occurred on Social Media. I commend all of the slates for coming together to put out a statement together and Ian and Jacob have put in a violation against themselves because they don't want that individual's vote counted towards themselves.

IX. Presidential Appointments –

OSA 18-027

BE IT RESOLVED that the OSA Senate and Assembly approve the following Presidential Appointments:

1. Fernando Orosco, Elections Commissioner
2. Grant Steffen, Elections Commission member

Sponsored by: Ronisha Howard, OSA President

Senator Dahse brought to the floor.

Senator Sederquist seconded.

Senator Spilman: Why do you think that Fernando would be a good Elections Commissioner?

President Howard: He came to me and asked about the position and did research in the bylaws himself. Also he is on the prelaw track so I think the experience would be good for him.

Senator Dahse: Also he is the only one who wants it.

Vice President Liechty: On behalf of Grant- he worked the polls today for four hours which all commission members have to do so props to him.

Placard vote unanimous in favor.

SS 18-010

BE IT RESOLVED that the OSA Senate approves the following Presidential Appointments:

1. Matthew Dinse, Senator

Sponsored by: Ronisha Howard, OSA President

Senator Spilman moved to table the item.

Senator Dahse seconded.

X. Unfinished Business –

OSA 18-025

BE IT RESOLVED that the OSA Senate and Assembly hereby accept the proposed amendments to the OSA Constitution and agree that the revised document will appear on a campus wide referendum for approval by the University of Wisconsin Oshkosh student body.

Sponsored by: Ronisha Howard, OSA President; Stephanie Liechty, OSA Vice President

Senator Dahse brought to the floor.

Senator Britt seconded.

Vice President Liechty: It might be a good idea if we do approve this just to show support since it is up to the students. You can also table it if you want to.

Placard vote majority in favor. Resolution passed.

SS 18-009

BE IT RESOLVED that the OSA Senate approves the proposed amendments to the Senate Bylaws.

Sponsored by: Ronisha Howard, OSA President; Stephanie Liechty, OSA Vice President

Senator Dahse brought to the floor.

Senator Britt seconded.

Vice President Liechty: We went over these changes line by line last week and hopefully they will line up with the Constitution.

Placard vote unanimous in favor.

XI. New Business –

OSA 18-028

BE IT RESOLVED that the OSA Senate and Assembly support the decision of the University of Wisconsin Student Representatives to support UW-River Falls Student Body President Rosemary Pechous's work to propose the Student Medical Leave Act.

Sponsored by: Ellen Dodge, Speaker of Assembly

Senator Dahse brought to the floor.

Senator Britt seconded.

Speaker Dodge: The Student Medical Leave Act is essentially a policy that students want the board of regents to put into place that will protect students seats in class as well as their tuition. Faculty and staff are able to take medical leave if they are hospitalized or have surgery or so forth, without the fear of losing their job. This resolution would do the same for our students whether they would be missing class due to mental or medical health. This is extremely important for our students. We do NOT have the resources to help our students in a timely manner. So many of our students need or want to see counselors, that you have to schedule an appointment 2 months out because they are so booked. This is going to get even worse as we extend our resources to the other campuses. UWSSR passed this resolution on Saturday and we are hoping that a policy for Student Medical Leave Act will be created and passed by the Board of Regents. This current resolution is just to show and support UW- River Falls as well as UWSSR on the resolution that UW- River Falls created.

Vice President Liechty: This whole resolution is something that the President of River Falls has championed. This is just saying that we want to extend our support for students that this would affect and we just want to make sure that we are in support.

Senator Spilman: I do think this is a good thing, but we need to review it further.

Senator Sederquist: Is there actual legislation regarding this yet?

President Howard: There is a written policy on it that is included.

XII. Committee Reports –

XIII. Discussion –

Senator Sederquist: I just want to echo what President Howard said. I think today at the Capitol was really productive so it was good.

President Howard: This is an aside, but there are a lot of Oshkosh alumni who work in the Capitol and it is really cool.

XIV. Announcements –

President Howard: If you haven't voted, go vote.

Senator Sederquist: Go vote.

Vice President Liechty: We don't have anyone running the booth tomorrow from 5-8.

XV. Adjourn –

Senator Sederquist motioned to adjourn.

Senator Dahse seconded.

Meeting adjourned at 5:18PM.

1. PURPOSE

The purpose of this policy is to articulate the requirements for making University of Wisconsin Oshkosh sponsored events and externally sponsored events occurring on campus meaningfully accessible to individuals with disabilities.

2. RESPONSIBLE OFFICER

Director of Equal Opportunity, Equity & Affirmative Action

3. SCOPE

This policy applies to all faculty, staff, students, visitors, guests, and external entities, on any property owned, leased, or managed by any entity or component of the University of Wisconsin Oshkosh.

4. BACKGROUND

UW Oshkosh is required under federal and state disability laws to make its programs meaningfully accessible to individuals with disabilities. This requires the University to provide requested reasonable accommodations to afford access, remove barriers to meaningful participation, and modify policies, practices or procedures as necessary to afford access, unless doing so would result in undue financial and administrative burdens or fundamentally alter the nature of the event.

5. DEFINITIONS

Event: a planned, organized public or social activity or program sponsored by the University of Wisconsin Oshkosh open to the University community and/or the public. Events include, but are not limited to, conferences, seminars, forums, colloquiums, receptions, athletic events, athletic camps, youth programs, gallery exhibits, theatre and music performances, and graduation ceremonies. Events sponsored by external entities that occur on campus are included within this definition.

Event Organizer: the member of the University community, academic unit, department, student organization, other unit/group, or external entity organizing the event.

Access: the opportunity for individuals with disabilities to meaningfully participate in, utilize, benefit from and enjoy the facilities, programs, and services.

Physical accessibility: the opportunity for individuals with disabilities to have equal physical access to event activities. A physically accessible space will include, but is not limited to,

accessible parking, an accessible route from parking to the event, accessible entrances, accessible bathrooms, elevators and/or ramps.

6. POLICY STATEMENT

A. Inclusion is one of the core values of the University. Our goal is to create a campus climate accessible to all, and proactively plan events free of physical, communication and/or other barriers so all individuals may meaningfully participate in campus activities and events.

B. Required Access Event Notification: All institutional and departmental publications that describe or invite public participation or attendance in programs at the University, and all University-sponsored events held off campus, are required to contain the following statement:

a. "UW Oshkosh is an affirmative action, equal opportunity educator and employer. Please contact (insert your department/office name & phone), Accessibility Center at (920) 424-3100, and/or Wisconsin Relay Services at 1-800-947-3529 or 711 (TTY) at least 5 days prior to the event should you need this poster in an alternative format or if you need a reasonable accommodation to participate in this event."

C. Event Accommodation: The event organizer is responsible for making the event meaningfully accessible and providing requested reasonable accommodations, which includes paying for any associated expense of an accommodation. No accommodation shall be required if the accommodation would fundamentally alter the nature of the event or result in undue financial or administrative burdens. Prior to denying an accommodation request, event planners must consult the Director of Equal Opportunity, Equity & Affirmative Action. The Director must approve denial of an accommodation request.

D. External Entity: External entities are required to include the event notification identified in this policy or a similar notification in all publications that announce or invite public participation or attendance in an event held at campus facilities. External individuals, organizations or entities must provide written assurances to the University their event held at a campus facility will be meaningfully accessible. The accessibility assurances may be contained in the written agreement for use/ rental of the facilities. Such agreements will require the external entity to ensure accessibility and provide reasonable accommodations.

E. Health and Safety: This policy does not require an event organizer to permit an individual to participate in an event when that individual's participation poses a direct threat to the health or safety of others. It would be a rare occurrence for an individual's participation to pose a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, the event organizer, in consultation with the Director of Equal Opportunity, Equity & Affirmative Action must make an individualized assessment to ascertain the nature and severity of the risk; the probability of potential injury; and whether reasonable modifications to the event or the

provision of auxiliary aids or services will mitigate the risk.

F. Event Space: University-sponsored public events held on campus will occur in physically accessible spaces. University-sponsored events off campus, or in a nonuniversity facility will be held in facilities accessible to and useable by persons with disabilities as required by Title II of the Americans with Disabilities Act, unless the facility is an integral part of the event that cannot otherwise be accommodated.

7. REFERENCES

[Links to documents or resources relevant to the policy]

8. REVISION HISTORY

1. PURPOSE

The purpose of this policy is to increase the number of veterans and veterans with a service-connected disability rating employed by UW Oshkosh. It is the policy of the University of Wisconsin Oshkosh to practice nondiscrimination and take affirmative action in employment with respect to both veterans and veterans with a service-connected disability rating of at least 30%. Nondiscrimination requires thorough, systematic efforts to prevent discrimination against veterans from occurring or to detect it and eliminate it as promptly as possible. The affirmative action obligation requires proactive recruitment and outreach measures, including considering the noncompetitive appointment of qualified disabled veterans.

Wis. Stat. § 230.042 authorizes the Wisconsin Council on Veterans Employment to require UW System institutions to adopt a Veterans Employment Plan of Action, under which the institutions must strive to meet goals established by the Council.

2. AUTHORITY

The Wisconsin Veterans Employment Initiative, under authority of Wis. Stat. § 230.042, is a statewide program aimed at increasing both the number of veterans and the number of veterans with a service-connected disability rating employed in state government. These provisions also establish a Council on Veterans Employment, the purpose of which is to advise and assist the Governor in establishing a coordinated, government-wide effort to increase the number of veterans employed in state government. Pursuant to the authority set forth in Wis. Stat. § 230.042, UW-Oshkosh adopts and implements this Veterans Employment Plan of Action.

3. RESPONSIBLE OFFICER

The AVC of HR/EO/AA in collaboration with the Director of EOA is responsible for ensuring that the plan of action is followed.

4. DEFINITIONS

(a) “Active duty wartime or campaign badge veteran” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.

(b) “Armed Forces service medal veteran” means any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209, 3 CFR, 1996 Comp., p. 159)

(c) “Disabled veteran” means (1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or (2) A person who was discharged or released from active duty because of a service-connected disability.

(d) “Recently separated veteran” means a veteran during the three-year period beginning on the date of the veteran’s discharge or release from active duty.

(e) “Service-connected disability rating” means a rating in which a Department of Veterans Affairs adjudicator determined that a veteran was disabled by an injury or illness that was incurred or aggravated during active military service.

5. POLICY STATEMENT

UW- Oshkosh has prepared and will implement this plan to take affirmative action to employ veterans and veterans with a service-connected disability rating. The percentage of disabled and non-disabled veterans in the state civilian labor force will be determined and announced by the Department of Workforce Development for each fiscal year. With this information, the Council on Veterans Employment will establish the employment goals for state employers.

6. GUIDELINES & PROCEDURES

(a) General

1. To enhance veteran recruitment efforts, UW-Oshkosh will use veteran-focused job boards and other web-based recruitment and hiring resources.
2. When requested, human resources staff will provide veterans with up-to-date veteran employment information and information on ways a veteran and/or a veteran with a service-connected disability rating may apply for vacant positions.
3. Human resources staff may assist veterans by making referrals when appropriate.
4. Partnerships should be established with local and national recruiting sources for referral of qualified covered veteran applicants and with the Veterans Administration Medical Center job placement programs.
5. To recruit veterans, vacant positions will be distributed to state contacts and veterans job boards.
6. Covered student veterans should be actively recruited.
7. To ensure compliance with federal requirements, UW System Service Center guidelines for the collection of and the input of veteran and veteran disability rating information must be followed. Veteran and veteran disability data will be requested via the appropriate self-identification form from all new employees during employee

onboarding. Veteran recruitment and hiring data will be reported as part of UW Oshkosh's affirmative action program in compliance with federal regulations.

(b) Noncompetitive Appointment of Disabled Veterans

A disabled veteran with a 30% or more service-connected disability rating may be appointed without a recruitment. Following are guidelines for such an appointment:

1. UW- Oshkosh will allow for the noncompetitive appointment of qualified veterans with a 30% or more service-connected disability rating. When a vacancy occurs in a position, a disabled veteran may be appointed on a noncompetitive basis. Nothing in this policy, however, requires the institution to make such a noncompetitive appointment.

2. If UW-Oshkosh considers the appointment of a qualified disabled veteran to a vacant position on a noncompetitive basis, the institution must offer an interview for the position to any disabled veteran who has expressed an interest to the institution in applying for the position and who appears to have the skills and experience suitable for performing the duties and responsibilities of the position. If a disabled veteran is appointed as a result of this procedure, other applicants (i.e., applicants who are not disabled veterans) will not be interviewed.

3. UW-Oshkosh may make a noncompetitive appointment of a disabled veteran only if all of the following occur:

- The disabled veteran is qualified to perform the duties and responsibilities of the position.
- The disabled veteran has served in the U.S. armed forces and is included on U.S. armed forces permanent disability list with a disability rating of at least 30%, or the disabled veteran has been rated by the U.S. Department of Veterans Affairs as having a compensable service-connected disability of at least 30%.
- The disabled veteran presents written documentation from an appropriate department of the federal government certifying the existence and extent of the disability. This certification must have been issued within the year preceding appointment.
- The disabled veteran is not currently employed (with an expectation of continued employment) at a UW System institution or at any State of Wisconsin agency.

4. Any recruitment that targets hiring a disabled veteran may be done prior to posting a vacant position or may be done concurrently with other recruitment efforts.

5. When a targeted recruitment fails to attract any disabled veterans, a new application deadline may be established and additional targeted recruitment activities may be undertaken.

(c) Procedures for Positions Posted as Open Recruitments

When a recruitment to fill a vacant position does not target disabled veterans, disabled veterans may nevertheless request a noncompetitive appointment for any posted position.

Such an applicant may be considered for employment either before or along with other applicants.

(d) Other Procedures Related to Hiring of Veterans with a 30% or Greater Service Connected Disability Rating

If UW-Oshkosh is aware, through any source, of a veteran with a 30% or greater service connected disability rating, it may contact that veteran to determine qualifications for and interest in any vacant position, regardless of whether the veteran has specifically applied for such a position.

(e) Reporting

UW System Administration will provide the Council on Veterans Employment with data related to the employment of veterans as appropriate.

7. REFERENCES

This policy shall be interpreted in accordance with UW System UPS Operational Policy EEO3.

Related Documents:

Executive Order #137

Jobs for Veterans Act

Wis. Stat. § 230.275, Noncompetitive appointment of certain disabled veterans

Wis. Stat. § 230.042, Wisconsin veterans employment initiative

Regulations Implementing VEVRAA

America's Heroes at Work: A DOL toolkit for hiring veterans

8. HISTORY

Student Medical Leave Act

March 4th, 2019

Rosemary Pechous

Whereas, it has been justified that to request a leave of absence from classes without taking incomplete, withdraws, or medical leave in the middle of term would not be considered viable under the American's with Disabilities Act (ADA): "Establishing whether or not a request is reasonable is based on whether an extended absence will alter or change an essential objective of the course. In most scenarios, it is very likely that a 3-4 week leave during a semester for a health or mental health issue would not be considered a reasonable accommodation, since missing that much time in a course will most likely result in an alteration of an essential element of the course. If a student does not qualify for this type of accommodation, or the request is not determined as a reasonable accommodation, a discussion regarding the options for the student that semester should be explored. This may include dropping a course, taking an incomplete, or taking a medical withdrawal." (UW-River Falls)

Whereas, it is disheartening to witness the lack of structure and support for students that need to take breaks from class may it be for mental health, family, or medical reasons,

Whereas, unlike Family Medical Leave Act (FMLA) which protects employees from being fired if they request a leave of absence for any period of time with proper communication and documentation, there are no protections even similar to FMLA for students.

Whereas, Rosemary Pechous, Student Body President from the University of Wisconsin-River Falls, has proposed the idea of Student Medical Leave Act (SMLA) which would have similar protects for students as FMLA does for employees.

Whereas, the idea of SMLA is not fully developed but with eagerness and communication, President Pechous hopes to discuss the realities of the bill with educators, lawmakers, ACLU members, and students; and while "accommodate" has various definitions, President Pechous plans to define the term in order to develop a legal plan of action for universities and students that is interpretable for every circumstance that may arise,

Whereas, it is an issue that there are not viable options other than to take incompletes or withdraw from classes if the need for time-off may occur,

Whereas, SMLA would protect university student's GPA's, paid tuition, and keep graduation goals on track if there were an option for file under SMLA,

Whereas, students that would most benefit from the SMLA option are: non-traditional students with children that may need to take-off time from classes to care for their children, students that are admitted to treatment programs, students with sudden medical needs, and students that need to care-take of family members for a brief time,

Whereas, the outdated idea that students must never miss class, no matter how broken they may be, is unjust; in the 21st Century, universities must protect and support students that need accommodations such as time off; more importantly, universities need to have options for students that need time-off but do not wish to drop out of classes,

Whereas, students with significant life issues are well-aware and usually well-equipped to handle both the situation and their school work; it is unjust to believe that students, for example, with depression, cannot handle doing homework during their time in treatment; and while a student that needs time-off may be incapable of doing *all* their assignments, they are, with an attempt to accommodate, able to complete some of their work,

Whereas, it would actually be discriminatory to suggest a student withdraw or take medical leave based on the landmark decision in *Olmstead v. L.C.* (1999), "*ruling that unjustified segregation of people with mental disabilities constitutes unlawful discrimination under the Americans with Disabilities Act (ADA)*," and "*The Supreme Court decided under Title II of the ADA that mental illness is a form of disability and therefore covered under the ADA, and that unjustified institutional isolation of a person with a disability is a form of discrimination because it "...perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life."* The court added, "*Confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.*" (*hhs.gov*)

Therefore, Be It Resolved, the UW-System Representatives, as well as individual campuses, support and encourage President Pechous's work on this project; and encourage lawmakers, educators, and all other parties included to drive this bill forward.

Therefore, Be It Further Resolved, the University of Wisconsin Student Representatives supports and endorses President Pechous's efforts in bringing forward this issue to educators, lawmakers, ACLU members, and students.

Signed,

Alex Smith, Chair

Rosemary Pechous, President
