

OSA Senate Agenda
March 19, 2019 at 4:45 PM
Reeve Memorial Union, Room 210

- I. Call to Order** – Pledge of Allegiance at 4:46 PM
- II. Roll Call** -
- III. Open Forum** –
- IV. Approval of the Agenda** –
- V. Approval of the Minutes** –
- VI. Club/Org Recognition** –
- VII. Guest Speakers** –

Patty Schrader – Event Accessibility Policy and Veterans Employment Policy

Patty Schrader: Veterans Employment policy is coming out of Federal, State, and University of Wisconsin System policies. The one main difference between our version and the UW template is that we took out some really specific wording so we didn't have to approve this policy every year. Main point is to be able to hire disabled veterans as noncompetitive appointment.

The second policy is the Event Accessibility policy. This is also coming out of State and Federal laws. This is a policy that we have already pretty much been following, but we haven't had it in writing before now. What we are asking in this policy is that advertising for events that would include information on how people interested in attending events can request accommodations. The main change for you all would be that Student orgs would be responsible for the cost of those accommodations.

Senator Spilman: That encompasses reasonable accommodations, right?

Patty Schrader: Yes, most of the requests that I foresee coming in would be reasonable so they wouldn't be too big.

Dr. Munin: And clubs don't make those decisions, those are done for you.

- VIII. Officer Reports** –
 - a. Speaker Pro-Tempore – (Shane – osaspeakerpt@uwosh.edu) -
 - b. Speaker of the Assembly – (Ellen – osaspeaker@uwosh.edu) –
 - c. Chief of Staff – (Colin – osacos@uwosh.edu) – Sorry about being late today. Faculty Senate had some heated debates. I did tell them about the open forum from yesterday and I also told them about the budget open forum tomorrow. They

voted to pass new rules for elections so there will be representation from the two year campuses. They are working on getting the technology to broadcast their meetings to the two access campuses. They also voted to reduce the voting rights of Instructional Academic Staff in Faculty Senate. There will be more rights for faculty than Instructional Academic Staff.

Senator Spilman: Can we get an update from directors and ambassadors?

Chief of Staff Daniels: I got in touch with the marketing director to set up meetings and I have a meeting with Green Fund in April.

- d. Vice President Pro-Tempore – (Coleman – osavppt@uwosh.edu) –
- e. Vice President – (Stephanie – osavp@uwosh.edu) – I drafted some questions for the panel discussion tomorrow so I will want to hear your thoughts. I had an idea to draft a statement about diversity and inclusion and then also about what students feel about the budget, but I want to wait until after tomorrow.
- f. President – (Ronisha – osapres@uwosh.edu) – Tomorrow is the panel discussion about Budget Cuts. It will be Faculty, Administration, and Students so we can discuss further action.
- g. OSA Office Manager – (Kyla Brown – brownk31@uwosh.edu) –
- h. OSA Advisor – (Dr. Art Munin – munina@uwosh.edu) – I have an incredible amount of gratitude for everyone who was at the meeting last night. Those things are really hard to hear and I think it is important to bring those to the forefront every once in a while. I am also looking forward to the discussion tomorrow. Also, huge kudos to the Mens' Basketball team. And we are hosting the NCGA Gymnastics championships on Saturday in Kolf at 4:00.
- i. OSA Academic Liaison – (Thomas – wolft@uwosh.edu) –
- j. OSA Directors and Ambassadors –

IX. Presidential Appointments –

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 Dahse brought to the floor.

Senator McCue seconded.

Matthew Dinse: I came from UW-Milwaukee my freshman year. I know the campus very well, I basically grew up here and I work in the athletics office. I think I can bring a different perspective to this body and I have some things I would like to work on.

Senator Dahse: What's your major?

Matthew Dinse: Marketing and Econ.

Senator Sederquist: What do you want to work on specifically?

Matthew Dinse: I want to work on community engagement to get students more involved in the community.

Placard vote unanimous in favor.

X. Unfinished 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.

Vice President Pro-Tempore Korb seconded.

Senator Dahse: So this is just to show our solidarity?

Vice President Liechty: Yes. This says that we support UW Reps for supporting this work. Rosemary wants to present this at the state level.

Placard vote. One abstention, resolution passes.

XI. New Business –

XII. Committee Reports –

XIII. Discussion –

Vice President Liechty: I have some questions for the panel tomorrow so I wanted to get some feedback and add to it if you all have other questions. We thought that including people from all sides of the story would lead to a constructive discussion rather than a destructive debate.

Vice President Pro-Tempore Korb: Out of the open forum from last night and the call to action that came out of that, I would be interested in how the university is going to move forward regarding the things that came out of last night.

Dr. Munin: I think the word crisis might be a red flag because it makes it sound very urgent and worrisome.

President Howard: Tomorrow is a busy day, I know there a lot of events going on. I would like to see you all at the event tomorrow, but I know there are a lot of things happening.

XIV. Announcements –

Senator Dahse: The Elections Commission came out with the unofficial results of the election, Banfield McDonald for Students won with 411 votes, Alicia Obermeier and Hannah Johnson were right behind them with 364 votes and the PAX Campaign had 240 votes.

XV. Adjourn –

Senator Dahse motioned to Adjourn.
Senator Spilman seconded.

Adjourned at 5:14 PM.

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
