



UNIVERSITY OF WISCONSIN–LA CROSSE STUDENT ASSOCIATION

2244 THE U 1705 BADGER STREET LA CROSSE, WI 54601 (608) 785-8775

Student Senate Agenda

Date: **Wednesday, September 16th, 2020**

Time and Location: **6:00pm Virtual, WebEx Room**

- I. Call to Order
 - a. 6:03
- II. Roll Call
- III. Consent Agenda
 - a. Approval of Agenda (approved)
 - b. Approval of Minutes (approved)
- IV. Guest Speakers

- a. Jenni Brundage, Director of Residence Life

Brundage: Good evening! Great to be here with you! Hopefully, we will be able to be in the same room with you soon! I'm sure you all have plenty of questions and I look forward to talking with you all. As you know, we are under a shelter in place order due to the high number of positives we are getting in our testing. We are one of the first UW system who has implemented the antigen testing, which has earned quite a bit of publicity.

As far as residence life goes, we started the year with 95% occupancy in the system, now we were at about 86% full before the shelter in place order. We have worked with 316 student cancellations from start of year.

Wentz is currently 50% full, and we have around 30 spots at a hotel. We should be filling the rest of it tomorrow or the next day.

We are at around 50% occupancy with shelter in place order and we are working with students who left to see what their return to campus plan looks like. We want safety to be the first priority and we are working with students and parents to communicate those. I'm sure you all have questions so I will entertain those now.

Schauberger: I understand the mail was all going to the mail center, but I don't see any problems with doing what we did last year.

Brundage: Consolidation was for COVID reasons- one delivery point, it helped cut down on visitors. At this point, we are not going back to the way it was for this semester or even probably the year. We are currently open for limited hours so students can get necessary items. We are getting hundreds of packages daily even with our request reduce the mail coming in. We understand that students rely on the mail system for necessary items like medication, ethernet cords, books and the like and we are working through these requests to get the students what they need. It is a huge task to run that place, ten people were in there today, sorting, and still was a lot of work. Honestly, we have a staffing issue because students are running that. We are trying to reduce the number of touch points. We are working through that.

Grant and I exchanged emails and we are anticipating the arrival of ballots and working on a way to distribute that.



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Schauberger: It just feels like it is more of an inconvenience for the rest of students. A lot of people aren't 6 feet apart. People are congregating from different dorms in line and it feels like it isn't as safe. It seems like it would have been safer to keep the mail going to the respective dorms. Why now for the consolidation instead of after COVID?

Brundage: This was part of the plan since June, it is similar to what the dining plan is, and this is what we came up with so we can do things in the safest way possible.

Ahnen (reading question from chat): Do you have any idea as to where the threshold is for "re-opening" in terms of testing at the end of the first two weeks of the campus shelter-in-place order? Is there a certain positivity rate or number of positive cases that will determine that, or is it going to be a more arbitrary choice made at the end of the two weeks?

Brundage: No decisions are made arbitrarily. We make informed decisions with county health, student health and COVID task force. We are still on the side of shelter in place and are trying to serve the needs of the students in the current situation. We will work at what comes next in the next couple days, but we need to work with students in the current situation.

As for testing, lots of things to look at. We are looking at sister institutions to see what things should look like. And this is all important but how can we help students understand how much power they have in flattening the curve? How can we help get our message through? We are seeing concerning behavior on and off campus. Their behavior is hindering the return to campus.

Ahnen (reading from chat): Is there a date set that students can expect the new mail system to start?

Brundage: We are working with students who identified that they have those needs. We have limited hours currently set up in the mail center and are seeing some students getting stuff during those times. Currently, nothing is getting returned to sender.

Byrne: I know it is problematic to have student staff but do we think it is possible to have checkpoints of people to ask those who are leaving if they are doing essential activities or is it more of a social outing.

Brundage: It isn't really a staffing issue; it is more that we want to consider all of the variables. There are a lot of folks who want freedom and there are people who want more restrictions. We are trying to balance the two. When you do need to go out, we want to make sure that you can. When we started with Coate and not allowing them to leave except for meals, that had a lot of pushback and comparison to prison and we don't want that. We also don't want too many restrictions because there are a lot of people who do want to be here and are being responsible. I put out an email twice to cancel their contracts and there are few takers so that shows how important being here is to some students. Currently, University of Minnesota is considering instituting a curfew and we are talking with them to see if that is an option.



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Ahnen (reading from chat): How are you going to continue to support your Student Staff and RAs during this time?

Brundage: I have asked what PPE is needed to feel safe, especially in Coate before their order as instituted. They asked for Tivex suits. We gave them those despite concerns that it wasn't necessary. I need to know what they want and how to help. We did not mandate that the RAs stayed during the shelter in place period and there are a good percentage of student staff who took us up on that. We reduced 90% of all live-in staff roles, taking it out of face to face. We are doing everything we can to make things safe and we want to hear what you all think, and I need to hear concerns in order to act on it.

b. Kara Ostlund, Title IX coordinator

Ostlund: I hope you all could review this before this meeting because there is a lot of information. So let's get into it.

Land recognition statement

The new regulations. My hope is to tell you what changed. What is UWL's commitment and how you all can help. Title IX states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

One of the things that changed is the language involving individuals involved in the incident. A complainant means any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence stalking, or sexual exploitation- this used to be called reporting party, survivor, or victim. Respondent is an individual who has been reported to be the perpetrator of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation. Lastly, a recipient is defined as recipients of Federal financial assistance covered by Title IX, including elementary and secondary schools, as well as postsecondary institutions. Formal complaint- document that is filed by a complainant and signed by complainant or title IX coordinator alleging stalking, sexual misconduct, dating violence. Any one can do an informal one, this is just a formal one.

Change in definition of sexual assault to be anything that meets the definition of rape, fondling, incest or statutory rape.

Officials with authority- anyone who can make corrective action on behalf of the university.

Supportive measures- formerly known as "interim measures" non punitive services offered to the complainant or respondent free of charge.

Larger change is Sexual harassment- previously included quid pro quo. Unwelcome conduct directed at student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard denies the person equal access to the institution's education program or activity or is so pervasive or offensive that it interferes with an individual's academic work performance or participation in a university-sponsored activity.

Used to be OR in this line: is so severe, pervasive, AND objectively offensive that it effectively denies the person equal access to the institution's education program or activity Now we have to meet all 3 of the prongs for things to be sexual harassment under



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title IX.

Jurisdictional changes- if you think back to what it was, this changed the work we did. They took the literal statements of “against a person in the United States”. If there are people on study abroad, technically there is nothing under title IX that we can do about it. An “educational program or activity” is all property owned by university. If it occurred off campus, we aren’t obligated to pursue it under title IX. But this doesn’t mean that we won’t pursue it, it just means that under this category, we can’t.

Requirement of a live hearing. Institution must provide all parties the right to due process, including the right to cross examination. They must have an advisor for during the cross-examination process. Complainants and respondents can no longer ask questions directly to each other, it must go through an advisor.

Rape shield protections- questions about previous sexual behavior are now irrelevant. Decisionmaker ensures that each question being asked is appropriate. A pause before the question is answered.

Transparency of training- every institution must provide access for the public to review the training that the title IX investigation team has. On website for public review and comment. This created an opportunity for UWL to demonstrate their commitment to preventing and responding to misconduct. OCR has set a floor for compliance to which we are committed to aiming for the ceiling of best practices. To that end, many of the practices that were in place prior to the New Regulations are still in place. We are committed to reassuring all parties that the Title IX Office is here for you, that we will do everything not prohibited by the regulations to make reporting easier, to offer services and resources to those impacted, establish a process that is transparent and user-friendly, and avoiding revictimization.

UWL’s response- we have to use complainant and respondent vocabulary. We don’t want this to diminish anyone’s experience by changing these words, it is just what we need to do to remain compliant. The university was forced to take a quick action since these changes came up pretty quick.

Now when we receive reports, there is an option for the complainant to come to my office and talk about options for support. They can decide not to go through an investigation. Support is offered no matter what decision they make.

Added sexual exploitation as something that we will investigate.

One thing that hasn’t changed is that all UWL employees, with the exception of Confidential Resources, are deemed “mandated reporters” and are required to report acts of sexual misconduct as soon as they learn.

Jurisdiction only changes what is considered title IX or not. We still cover off campus behaviors that don’t meet title IX. Our commitment remains the same.

Live hearing- we already did this because of state legislation. We will get rid of anyone who doesn’t follow the rules of decorum during those proceedings, as in, we will ask them to leave. If that happens to be the respondent or complainant, we will reconvene. We will work with students and advisors to work on the technology required to hold these hearings in the time of COVID.

Feel free to look at what training our staff goes through! It is on the website and it is helpful for you to know what we do. Especially with student association. You can be helpful with spreading information. We want to stress that there are situations where title IX isn’t applicable but we will address concerns under other regulations. You also need



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to know that mandated reporters still have to report.

I need your support to make sure that the complainant makes the decision to make a formal complaint. I can jump through hoops to override them but I would rather not. They could go to violence coordinator. OCR is allowing me the opportunity to meet with students without fear that an investigation will ensue. That decision is made by the complainant. We want to make sure that supportive measures are offered no matter their decision regarding formal measures. Questions?

Ahnen (reading from chat): I know that Title IX specifies 'sex' and doesn't encompass gender identity. Does UWL's commitment include gender identity?

Ostlund: There is an ever-changing landscape regarding title IX, we have and always will include our gender expression in the misconduct policy.

Schauberger: What was the process of title IX matters before the live hearing was mandated?

Ostlund: The university was obligated to pursue a complaint with the title IX team. They would have to meet with violence prevention, they would try to provide the interim measures to make sure that they could still pursue academic careers. Students were shared preliminary report and were able to include and add to anything that wasn't quite right. There is an investigator and now a decision maker. Investigator can't make decisions. Not that the first report was concluded, they can take it as it was or request a live hearing. Investigator would present case, answer questions. And then another appeal. We aren't seeing much of a change between the live hearings besides the fact that the decision maker can no longer use information if it wasn't cross examined.

Schauberger: What if they file a complaint and go to a live hearing and it is hard to see the person who did this to them? Doesn't this make it difficult for the victim otherwise all their statement will be thrown out if they don't show up?

Ostlund: Essentially the live hearing isn't for hard evidence, for example between text messages, that is hard to dispute so that is stuff that we can still use in a case without a hearing because that isn't disputable.

There is a possibility where a person doesn't want to answer a question during a live hearing. We can still use all the information up until that point. These changes are going to change how live hearing will go what the process looks like and if they are open to meeting with the violence prevention. We want to minimize discomfort.

Schauberger: So, is the advisor a representative of the student?

Ostlund: Yes, and it can be an attorney, but it doesn't have to be. And the university will provide one if the student can't.

Ahnen (reading from comments that Cayo wrote): I am incredibly concerned about these



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general Title IX changes. The narrowing of the sexual assault definition from the uniformity it once had with Title VII is problematic, the limited obligation to investigate complaints only to conduct that occurred in the school's program activity (and not to unrelated off-campus conduct) is scary, and the use of cross-examination which sexual violence specialists have said often re-traumatize victims and make them less likely to come forward is wrong. I'm glad that UWL's commitments negate some of these problems, but the fact that this is almost an 'opt in' option for other campuses is daunting.

Ostlund: With respect to title VII, it still uses the “or” language, where title IX uses the “and” definition. Which one we pursue is something we will approach on a case by case basis. Title VII is more for employment. But if the incident doesn't happen on our land, it could be prosecuted under title VII. In those situations, we work with HR to make sure that we are working with the right title. I echo the sentiments that I think off campus stuff is problematic. We want to provide the same protections on campus and off. You'll see that the two processes mirror each other with the exceptions of being forced into going to a hearing. We can go to a settlement option prior to that. An information resolution is also an option. It was iffy if institution could really work with these things. Now, they can opt in at any time. Now that we can make sure they are comfortable with informal versus formal. I want everyone to know that we are still committed to the old work we did even if we can't call it title IX with these new changes.

I have implemented other policy. New user-friendly website. Explore it and look at what we have I want to you to pay attention to title IX teams: advisory board, compliance team and investigative team. Each is unique. We have put a request out to have a rep on Student Association. Hopefully, you will see that come through.

Ahnen (reading from chat from Cayo): Is UWL moving away from trauma informed investigation procedures the way Title IX seems to be?

Ostlund: No longer can we provide training relating to trauma-informed training. The website has to be sterile. It has to be for complainants and respondents. We aren't providing this training, but we will be implementing those practices. We want to employ the practice to avoid re-victimization.

V. General Student Body Open Forum

- a. Kevin Hundt: my impression that students or community member can speak, can I meet even though I am an alumnus. I've been with UWL for over 15 years. I want to speak about is the current crisis. The UWL administration's response is catastrophic. It is obvious that there isn't a plan. The New York Times says that we have the highest cases. When student workers complained, admin was intimidating. People will die and have lasting impacts of this virus due to the gross misconduct of your administration. These people shouldn't be considering. They are following bureaucratic rules. Reality doesn't matter as long as they are compliant to rules. These people shouldn't be trusted. No one else is going to save this you are the only one who has power. Talk to each other students! Treat professors as your equals, march on Graff and literally throw these administrators into the street, and spray paint your opinion on every open wall and sidewalk! Rage against your own murder!



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Ian Carroll: Kevin said it all.

Rachel Engebretson: I think Kevin made a lot of good points. Do we want to talk about it? I think it is importance because it is our lives now.

Ahnen: Dr. Larry, can we do this now?

Riggenberg: I have no problems

Trevor Teske (in chat): I think that he pretty much just summed up what I not only feel but what everyone I've talked to feels.

William Schauburger: He is totally right, and based what I said in the last meeting about how even RL is treating student workers, the administration really does not care

Kelly Flynn: I think an issue here has also been lack of transparency as a lot of students have felt like there was no plan and it wasn't communicated to them.

Trevor Teske: My mic hasn't been working all day otherwise I would speak but the fact that you could ask anyone, students, parents, etc. about how this school year would go, everyone said the same thing that we were going to go fully online and the fact that the administration didn't expect that is not alright.

Andrew Ericson: There was a lot of effort made on campus to address COVID... maybe it didn't work but to say that the administration doesn't care is going too far

VI. Officer Reports

a. **President:** Cate Wiza

- i. Fall election will be coming up. Take this information back to your constituents.
- ii. Reach out to them in general as well! Email, Instagram, Facebook. see how they are feeling and bring those concerns back to these meetings. Don't hesitate to email administrators, email your Dean so they can send an email to the whole college asking for input.
- iii. Lastly, email us if your committee has met with you so that Olivia and I can be in the loop.

b. **Vice President:** Olivia Ahnen

- i. The Coordinator for Student Wellness is coming next week. And she asked me to have you think about questions you want to ask her. Email me or leave it in the chat so I can send those to her for prepare.
- ii. Also, if you are going to miss a meeting, please email me ahead of time. I know the online format is different but I want you to treat this like it is a real meeting.
- iii. Chancellor Gow will be here on the 30th. Think of things to ask him as well

c. **Director of Staff:** Faith Fisher

- i. I attended the faculty senate meeting was talking about what was going to happen with the rising COVID numbers. They were just as concerned as we were about the situation. Betsy and Joe were there answering all the questions. They were talking about moving online and doing shelter in place even though the UW



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system president was against it. Despite that, it obviously happened.

- ii. I'm trying to figure out the best way to do this- Cate Wiza was the best at reaching out to her constituents in my opinion. I am trying to find a way to reach out to your Deans and I don't want to do all of you at once. I am thinking about doing a doodle poll thing so we can meet with college seats. Now, more than ever, we need to be transparent with our constituents. Cate set the path to what that should look like, so I am here to help you meet those goals. Meet your Deans maybe once a month, they can reach out to everyone on your behalf. They can also tell you what the issues are, and you can bring those issues here.
- d. **State Affairs Director:** Grant Mathu
 - i. Pretty much what the director of res life said, once ballots come out, we will let you know how we plan on working to get those to students.
 - ii. I will be emailing my committee within the next few days so if you are on that, please check your email.
 - iii. On a personal note, I sound sick because I am sick. So here is a word of advice, if you call the university hotline and they don't pick up, go somewhere else to get tested. The County is having an event downtown, Mayo offers testing. Just don't wait.
- e. **Local Affairs Director:** Amy Schweiner
 - i. I have been preparing for the off-campus housing fair, and looking at scheduling. It is going to be virtual, similar to involvement fest. I am also still working with landlords to encourage virtual showings. I know that I went to a showing the other day and there was a sign on the door that said "my roommate is infected, don't come in" and I don't want other students to potentially be in danger.
- f. **Inclusivity Director:** Camoya Evans
 - i. I emailed all the diversity seats so check your email and get back to me please
- g. **Public Relations Director:** Holly Korfmacher
 - i. Absent
- h. **Sustainability Director:** Jake Myers
 - i. Absent, Ahnen reading his report:
 1. Green fund committee has decided on meeting time and a group chat has been started. Email him for more information if you haven't been contacted
 2. Next week will be their first meeting so brainstorm ideas for green funds
 3. Checkout divestment and sign the petition on their website if you are interested uwdivestment.com

VII. Advisor Reports

- a. I want to tell you that I am not normally at the table when the univ is making these decisions, but I have been recently. People really care and they are trying to figure out the best option. They want everyone to have the best experience.
- b. Grant, I am curious if anyone else is having the same issues with the COVID hotline and if I can help so if you want to contact me, please feel free.
- c. We have been talking about testing off campus students. The issue is that state legislature only gave money to test on-campus students. We will go back and ask for money and more personnel to do so if approved. We need to help those struggling off campus as well.



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- d. I want to talk about what we can do as Student Association. We have talked about doing a forum, we want to really talk to students about what they can be doing to keep themselves safe. Your voice matters tremendously. I want you all to think about how we can get a message out to the students.
- e. As for dining stuff I am dealing with lots of different things from students regarding refunds, changing in prices, future of tents, issues with service in the tents. I think people are safer outside, but it is going to be cold soon. I welcome thoughts about future of tents. Email me with thoughts.
- f. You matter and we need to hear ideas about what we can do better.
- g. KC, can you send how to put your pronouns on your web ex name?

10 min recess- come back at 7:51

VIII. Committee Reports

- a. Cayo: SUFAC exec team met today. Full meeting on the 28th. We don't have enough students to make a vote right now, but we will reach out to previous students to see if anyone wants to come back and join.

IX. Organizational Reports

- a. N/A

X. Unfinished Business

- a. N/A

XI. New Business

a. SA2021-010

- i. Ahnen: We put together committee assignments for this fall and here is the resolution to approve that.
- ii. Wiza: We are working on filling some at-large seats, talking to some students at involvement fest today. Olivia has power to appoint people to those roles without senate approval.
- iii. Motion to end discussion, call to question, motion to suspend 2-week rule, passes unanimously

b. SA2021-011

- i. Ahnen: This is to approve our new CASSH senator, Courtney Conway
- ii. Call to question, motion to suspend 2-week rule, passes unanimously
- iii. Wiza and Conway: Swearing in statement

c. SA2021-012

- i. Wiza: Motion to suspend the signature requirement for fall senator requirements due to student safety concerns with the COVID-19 pandemic.
- ii. Motion to suspend the 2-week rule, call to question, passes unanimously

d. SA2021-013

- i. Ericson: We have been working in the UW system divestment coalition. In March, it started in Stevens Point and now there is representation in almost all UW campuses. This outlines why we should care about global warming, why we are addressing it now, there is a bit of background information, asks the regents to divest from fossil fuels in the next 3-5 years.
- ii. Discussion:

Cayo: I would like to say that I support everything that this resolution is good, and I support it, but I think that it is very lengthy. The people that we are sending it to will only read some of it and respond to the parts they read. I have



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some grammatical friendlies, but I will save that for the end. I yield.

Cayo: I would like to make a motion to table this discussion to trim it down and make it more concise. We can revisit it next week.

Grammatical friendly time- change UWL student government to UWL student senate since it is only the opinion of those senators who can vote- not representative of all students. Capitalization issues.

Larry: I am wondering if you would like to turn it into a document/ proposal and then the resolution is supporting the proposal. Senate would come in and just approve your proposal to what you want to see happen. I would be happy to help you with that.

Motion to table discussion for two weeks, bringing it back on September 30th, vote passes unanimously.

XII. Discussion

a. Cancelling spring break (added by vote at the start of meeting)

Wiza: The context of this is that UW-Madison did cancel spring break. They are providing students with a shorter break in the spring, a long weekend I believe it is over good Friday. We brought it up with Joe Gow. It has to be approved my faculty senate, but we are talking about it here so that we can bring our points and ideas to them. I will be taking notes to share with them at our next meeting.

Schauberger: It is a very bad idea to just send these people home. Bring infection home and put strain on those communities. If we allow them to go home or vacation, they will be spreading it.

Evelynn: What is UW-Madison doing? Are they starting later in the spring?

Dr. Larry: Yes, they will be starting just one week later

Evelynn: Okay, I just wanted to make sure because people will be mad if they have more class time with no break.

Cayo: I had a question about how this would look. What would we be doing? Would the dates be?

Dr. Larry: I do believe that we would start a week later. There would be the same number of days in the semester because it is important for classes to have the same number of sessions. An issue that I have heard is talking about mental health to just keep working without a break. I think that has to be considered but that has to be considered with the risk of COVID.

Motion to end discussion and unanimous positive vote

XIII. Announcements

Fisher: I made some observations in today's meeting and I think we need to start being more respectful of people's time. When people are trying to discuss a resolution, what's happening in the chat at the same time as discussion is distracting. We just need to respect people's time. We are doing the best we can and it is early in the year, but just a reminder. We should also work on



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resolution writing since we didn't have the retreat this year. We were thinking about maybe sending out some videos about how to do that and rules.

Ahnen: I want to second what Faith said. To fix the chat problem, why don't you just put your name in the chat and then I'll call on you to speak or type your question if you are having audio issues.

XIV. Adjournment