



Title: Support of the Creation of the Student Medical Leave Act

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 incapable 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.



University Student Senate
Stout Student Association
University of Wisconsin-Stout

University Student Senate 49th Congress

U.S.S. 49.23.04

Date Introduced: April 16, 2019

Moved by: Senator Brisbin

Seconded by: Vice President Serier

Sponsored by: None Needed

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.

Date acted upon: Month Day, Year

Action: Passed, Denied, Postponed, Etc.

Vote: ____ - ____ - ____ (Yays-Nays-Abstentions)

Hannah Bragelman
President
Stout Student Association

Alex Serier
Vice-President
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