OVERSIGHT AND APPEALS COMMITTEE
FALL 2019 SEMESTER
SEPTEMBER 7TH, 2019 REFERRAL FOR INVESTIGATION OF SYDNEY LEE
DECIDED SEPTEMBER 23RD, 2019

To whom it may concern,

The Oversight and Appeals Committee (OAC) received the referral for investigation on September 10th that was voted on and passed on September 7th by the Student Association (SA) Senate. The reason for referral as stated in the legislation:

The SA Senate formally refers to the OAC an investigation of President Sydney Lee regarding her alleged failure to meet criteria.

The criteria for Executive members as per Section 2.02(a)(i) of the SA Constitution:

In order to hold an official position with the SA, members must be at least part time, degree-seeking, University of Wisconsin-Milwaukee fee-paying students, in good standing with the university through their respective academic and 30 non-academic misconduct processes and maintain a minimum cumulative GPA of 2.5.

The OAC secluded a special meeting to have the hearing of both the complainant, Clarence Kinnard, and the respondent, Sydney Lee. The meeting was held on September 23rd, 2019 and the hearing took place during closed session. Sydney personally disclosed her failure to meet the criteria on September 7th at the Senate Meeting prior to the hearing. She failed to meet eligibility criteria and is unable to hold office. The relevant portion of the transcript will be attached at the end of this document. After careful discussion, the OAC unanimously found in favor of the complainant by a preponderance of the evidence. Constitutional issues brought up were: Grace Periods and Exceptions.

Grace Periods

Allowing for a grace period for eligibility criteria regarding cumulative GPA would be overreaching of the OAC to decide on. An executive officer’s term is only 9 months, where
cumulative GPA changes only at the end of each semester, which consist of around 70 class days for fall and spring, and 13 for winter. If the OAC granted a grace period, there would need to be multiple clauses allowing or disallowing when such grace period is permissible. These grace periods would allow for executive officers to serve a third or half of a term without being eligible to hold their position. The issue also arises if an executive officer becomes ineligible after they’ve served half their term. Would such grace period permit the officer to finish their term? What circumstances allow for grace periods? Who decides when grace periods are applicable and for who? How long can grace periods last? These are questions and limitations to be answered and set by the Senate if they so choose but is not up to the OAC. The Senate would need to amend their governing documents or bylaws to allow for grace periods. The language of the criteria in the SA Constitution is too specific and leaves no room for interpretation. It is the responsibility of the Senate to create the rules and the OAC’s responsibility to enforce them.

Exceptions

Like grace periods, exceptions are for the Senate to decide who makes those exceptions and when. If the OAC were to allow an exception in this case, the OAC would need to create criteria for what circumstances deem an exception to the rules. It is not in the purview of OAC to create such criteria or decide when it is applicable. Allowing for exceptions without specific criteria laid out would call into the question the legitimacy of the eligibility requirements created.

Conclusion

Grace periods and exceptions to the rules set by the Senate is up for the Senate to decide. The OAC is here to enforce those rules, which as they stand, grant no exception or grace period, nor allow for interaction of such exception or grace period. Both would only be permitted if the Senate amended the Constitution or bylaws. The release of this document will settle the case as closed. The OAC is pained to have ruled in favor of the complainant, but we as a body have a responsibility to uphold the constitution and procedures. We sympathize with Sydney and all that she’s gone through, and hope the Executive Committee continues to carry out her goals she set when she started.
WHEREAS, Article II, Section 2.02(a)(i) of the Constitution of the Student Association at the University of Wisconsin-Milwaukee (hereafter SA) states:

In order to hold an official position with the SA, members must be at least part-time, degree-seeking, University of Wisconsin-Milwaukee fee-paying students, in good standing with the university through their respective academic and non-academic misconduct processes, and maintain a minimum cumulative GPA of 2.5

WHEREAS, failure to meet eligibility criteria may be grounds for investigation and removal by the Oversight and Appeals Commission (hereafter OAC), per Article XI, Section 11.02 of the SA Senate Bylaws.

WHEREAS, it is the responsibility of the Student Association Professional Staff (hereafter SAPS) to verify eligibility of all SA officials, per Article VII, Section 7.01(b)(iii) of the SA Constitution.

WHEREAS, information disclosed on August 27, 2019, by SAPS in a meeting of the Executive Committee suggests that President Sydney Lee may have failed to meet eligibility criteria.

WHEREAS, it is the duty of the SA Senate to “refer officials of the Executive or Legislative Branches to the OAC for investigation and removal,” when such action is deemed necessary, per Article IV, Section 4.08(a)(viii) of the SA Constitution.

THEREFORE, BE IT RESOLVED; that the SA Senate formally refers to the OAC an investigation of President Sydney Lee regarding her alleged failure to meet eligibility criteria.

THEREFORE, BE IT FURTHER RESOLVED; that the SA Senate requests the results of the OAC’s investigation be conveyed within 24 hours of a decision being reached.

THEREFORE, BE IT FINALLY RESOLVED; that this legislation be communicated to the OAC, SAPS, Chief Student Affairs Officer Kelly Haag, Dean of Students Adam Jussel, and Chancellor Mark Mone.

Member of Executive Committee

Date

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Legislative History

September 8, 2019—Considered by the SA Senate. Sponsored by Senator Kinnard.
[01:24:07–01:24:35] Student Association College of Health Sciences Senator Adyson Leonard: “This may come off as insensitive—and I’m not meaning it in that way whatsoever. However, I guess I’m concerned as to why this is being brought up now... were you aware, when the elections were taking place, of the grade requirement? Or were your grades in jeopardy at that time? I guess I’m trying to, like, create a timeline as to when this occurred....”

[01:24:36–01:25:07] SA President Sydney Lee: “So, when I ran for office, I was eligible. My grades fell after last semester—the end of, I guess you can say, the spring semester. That’s when my grades had fell. And just to make it clear: I am not eons away from the grade point average; I am literally one point away. So it’s not... far. It’s just a point.

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[01:27:13–01:27:25] SA College of Letters & Science Senator Clarence Kinnard: “I have it noted in [the legislation] that it’s the responsibility of [the Student Association Professional Staff] to verify eligibility. That came about in the meeting [of the Executive Committee, 8/27], correct?”

[01:27:26–01:27:55] SA Professional Staff Director Sarah Edmondson: “Correct, yeah. So... it is our job to check eligibility; we check for each semester to make sure that students are still eligible to remain in their position. Sydney and I discussed her eligibility before the Exec meeting, and then, because it became time to notify Exec, we shared that Sydney was ineligible in the Exec meeting.”