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November 20, 2020

Mr. Adam Steinbaugh
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education
510 Walnut Street, Suite 1250
Philadelphia, PA 19106

Re: Frostburg State University

Mr. Steinbaugh,

Thank you for your correspondence dated November 13, 2020 regarding Frostburg State University's ("FSU") Resident Assistants program. It is not FSU's policy to curtail the free speech rights of our resident assistants, nor the free speech rights of anyone else in the campus community. This was an isolated incident with one of our employees and has been dealt with as such. The attached statement from Dr. Artie Travis, Vice President, Student Affairs was sent to the Student Government Association, Residence Hall Association and The Bottom Line. Please also see attached for the evaluation form used with resident assistants, as well as the Resident Assistant agreement. Again, FSU has no policy restricting the free speech of its resident assistants.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bradford S. Nixon'.

Bradford S. Nixon

Bradford Nixon

From: Artie L Travis
Sent: Friday, November 13, 2020 2:55 PM
To: Noah J DeMichele; Madison L Davis
Cc: Madison L Davis; Jessica Thayer; Kimberly Hinds-Brush; Carl W Crowe; William Mandicott; Robin Wynder; Carl W Crowe; Jeffrey L Graham
Subject: Statement on RA's and Freedom of Expression

Dear Noah (SGA President) and Madison (RHA President):

I want to advise you that RA's are NOT terminated just because they speak up.

While my notion of building a sense of community involves having:

- An open campus where free speech is protected and civility is affirmed in all we do
- A just campus where the sacredness of each student is honored and diversity affirmed
- A campus where students and staff accept their obligations to the group
- A campus where the well being of all is supported in all that Student Affairs does on a day-to-day basis

I (we) would not and do not limit a student's freedom of expression if they are speaking about their experience.

I want to be very transparent, RA's are not terminated just because they have their own opinions about the University.

I would posit the following where we take an educative approach to all that we do with RAs training and performance:

- As a University paid student it is our first expectation that concerns about the department where they work are shared and addressed by the appropriate supervisor.
- Staff in the Resident Life Office are trained to be able to listen and attempt to address concerns.
- When students express negative opinions about the workplace it is incumbent to try to resolve the matters if possible.
- We would use this as a teaching moment because when students go into the workplace there are certainly some restrictions that may or may not support the open expression of concerns.
- We would not and do not limit a student's freedom of expression if they are speaking about their experience.
- We do ask that RA's not speak on behalf of the department, but only themselves.
- RA's are not terminated just because they have their own opinions about the University.

I hope this provide some clarity.

Peace be with each of you and stay safe and be well.

RA:

Hall Director:

Date:

Resident Assistant Self-Evaluation Form

Comments should be included for every section.

Builds community – RA develops and maintains relationships with residents, helps residents understand their role in the community, maintains an active presence on their floor, and actively engages with Hall Council. RA mediates conflict effectively.	
Outstanding	RA knows residents and frequently interacts with them; RA knows what is going on in each resident's life. RA is a strong presence on their floor and is constantly seeking ways to strengthen the floor community. RA is always present at Hall Council meetings and proactively identifies and helps students in need of support.
Meets Expectations	RA know residents and interacts with them often. RA is available in the hall outside of duty hours. RA attends Hall Council and/or RHA twice a month and mediates roommate conflicts when they arise.
Unsatisfactory	RA does not know their residents. RA is not present on their floor outside of duty hours. RA does not attend Hall Council or RHA meetings. RHA does not mediate conflict.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Programming – RA assesses the social and educational needs of their residents and plans events to respond to these needs. RA develops programs that are creative, engaging, and informative and effectively advertises for events.	
Outstanding	RA has exceeded all programming requirements for the semester. RA clearly connects all programs to the needs and interests of their residents. RA utilizes creative, eye-catching advertisements and uses a variety of advertising strategies in the weeks leading up to a program.
Meets Expectations	RA has met all programming requirements for the semester. RA has based some programs on the needs and interests of their residents. RA advertises before programs.
Unsatisfactory	RA has not met all programming requirements for the semester. RA has not assessed the needs and interests of their residents and/or does not incorporate this information into program planning. RA does not advertise for events and/or advertises at the last minute.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Role model – RA role models good behavior and decision-making. RA abides by all FSU and RLO policies, refers students to appropriate resources on-campus, and maintains a positive attitude about the RA role.

Outstanding	RA follows all FSU and RLO policies. RA is actively involved in the lives of their residents and frequently offers resources that would support their residents' success. RA always speaks positively about the RA role and brings that positivity into interactions with residents.
Meets Expectations	RA follows all FSU and RLO policies. RA is able to appropriately refer students to on-campus resource. RA does not talk negatively about the RA role.
Unsatisfactory	RA violates FSU and/or RLO policies. RA is unable to refer students to on-campus resources. RA has a negative attitude about the RA role.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Hall Safety – RA participates in duty shifts, appropriately uses and stores staff keys, responds to emergency situations, and reports facilities concerns in a timely manner.

Outstanding	RA participates in assigned duty shifts and is eager to help cover a shift when coverage is needed. RA carefully uses and stores staff keys. RA appropriately responds to emergency situations. RA is proactively looking for facilities issues in the residence hall and submits all work orders in a timely fashion.
Meets Expectations	RA participates in all assigned duty shifts and completes all rounds and duty logs appropriately. RA appropriately uses and stores staff keys. RA responds to and documents emergency situations and facilities issues.
Unsatisfactory	RA often misses assigned duty shifts and/or does not complete all rounds or duty logs. RA does not use or store staff keys appropriately. RA does not address emergencies or facilities issues.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Conduct – RA consistently addresses and documents policy violations, helps residents understand the impact of their behavior on the community, and encourages residents to take responsibility for their actions.

Outstanding	RA consistently addresses and documents policy violations. RA follows-up with residents and works to maintain a positive relationship with the resident. RA encourages residents to take ownership of their actions and helps residents consider how their behavior impacts the community.
Meets Expectations	RA consistently addresses and documents policy violations.
Unsatisfactory	RA does not address or document policy violations.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Administrative – RA completes all paperwork thoroughly and submits all paperwork on-time. RA posts flyers in a timely manner. RA attends all meetings and arrives on-time. RA actively participates in meetings. RA assists with hall opening and closing as well as other departmental processes.	
Outstanding	Paperwork is always thoroughly completed and submitted early. RA is consistently early/on time for meetings and always notifies their Hall Director when they will be late or absent. RA consistently shares their ideas and actively listens to others during meetings. RA helps with departmental processes and willingly takes on additional responsibilities.
Meets Expectations	Paperwork is almost always thoroughly completed and submitted on-time. RA is almost always on-time for meetings and notifies their Hall Director when they will be late or absent. RA participates in meetings. RA assists with departmental processes.
Unsatisfactory	Paperwork is incomplete and/or consistently late. RA is consistently late or absent from meetings. RA does not participate in meetings. RA does not assist with department processes.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Multicultural Appreciation – RA is sensitive to identity and cultural differences and fosters and inclusive environment on their floor. RA demonstrates a commitment to personal growth related to identity development and to learning about different identities, backgrounds, and cultural groups. RA addresses and documents inappropriate, insensitive, or intolerant behavior.	
Outstanding	RA addressed and documents bias incidents. RA seeks to rebuild their floor community after these incidents. RA shows a strong commitment to learning and self-growth related to diversity and inclusion. RA incorporates diversity into programming and conversations with residents.
Meets Expectations	RA addresses and documents bias incidents. RA demonstrates a commitment to learning and self-growth related to diversity and inclusion.
Unsatisfactory	RA does not address and document bias incidents. RA does not show an interest in learning or self-growth related to diversity and inclusion.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Personal Growth – RA demonstrates a commitment to their personal, academic, and professional growth. RA seeks out opportunities to develop their skills both inside and outside of the RA position. RA is open to feedback. RA is growing as a leader in their community.	
Outstanding	RA is strongly committed to their growth and is consistently seeking opportunities to gain new skills and experiences. RA is a leader within the hall community and eager to receive feedback.
Meets Expectations	RA is committed to their growth and open to feedback. RA is involved both in and outside of RLO and showing growth as a leader.
Unsatisfactory	RA does not show a commitment to growth. RA is not open to feedback and does not seek out opportunities to develop skills.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Team player – RA works effectively with other members of their hall staff. RA brings a positive attitude to staff interactions and willingly helps other team members. RA shares their ideas and contributes to staff projects. RA is flexible and communicates effectively. RA fully participates in all RA training sessions.	
Outstanding	RA is an excellent team player; RA goes above and beyond to assist other staff members and offers help without being prompted to. RA consistently contributes to staff projects and meetings and encourages other RAs to participate. RA demonstrates great flexibility and is constantly in communication with team members. RA is fully engaged in all training sessions and actively participates in training activities.
Meets Expectations	RA works well with the hall staff. RA helps out other RAs when asked and participates in all staff projects and meetings. RA is flexible and communicative. RA attends and participates in RA training sessions.
Unsatisfactory	RA does not work well with others. RA does not offer help to staff members and/or does not contribute to staff projects and meetings. RA is not flexible and does not communicate with team members. RA does not fully attend training sessions.

Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Unsatisfactory	Not able to assess
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Summary Comments

Action Plans/Goal Setting

If applicable, summarize any specific projects, performance objectives, or training and development plans for the next review period.

Staff member comments

Optional. If staff member wishes to, any comments concerning the appraisal may be indicated in this section.

Statement of Understanding:

It is understood by both the Resident Assistant and their Supervisor that a copy of this evaluation shall be filed in the Resident Assistant's employee file. It is also understood that the Resident Assistant has a right to read this evaluation before it is filed and request a copy of the evaluation. Finally, the signature of the Resident Assistant means that they had read their evaluation, but does not necessarily represent their agreement. The Resident Assistant should indicate in writing any aspect of the evaluation with which they disagree. This and all performance documentation will be used as part of the re-hire process.

Resident Assistant

Date

Hall Director

Date

Accepting the position of Resident Assistant (RA), you should be aware the Residence Life Office has expectations that accompany such a responsible position. It is essential that you read and understand this agreement *prior* to signing. This agreement is for one full academic year. Exceptions must be requested in writing to the Assistant Director of Residence Life.

Terms and Conditions of the Contract

The term of appointment as a Resident Assistant (RA) shall be August 3, 2020 through May 22, 2021 (pending final decisions about the Spring 2021 semester; RAs are contracted through the Saturday following spring commencement). This constitutes an academic year commitment for the RA position. RAs are required to participate in all trainings.

Resident Assistants are obligated to honor a one-year housing contract, the same as any other student. Resident Assistants will receive room and board as remuneration. If an RA resigns or is released from the RA position, a bill is automatically processed for room and board pro-rated for the remainder of that contract year. The student will subsequently be assigned to a room in a building where they have not served as an RA.

RAs are expected to abide by policies as stated in the Residence Hall Guidebook and the Code of Student Conduct. RAs are expected to have read the Resident Assistant Staff Manual, the Residence Hall Guide, the Code of Student Conduct and the "Terms and Conditions of the Housing Contract," and to be familiar with the contents of these documents. *Any RA who is found responsible for violations of University policy and/or placed on disciplinary probation can expect to be terminated from the position.*

RAs are expected to maintain professional relationships and boundaries with all student staff members and residents within their assigned hall. Should this expectation be challenged, immediate communication must be initiated with the Assistant Director.

The Residence Life Office reserves the right to make and change room and hall assignments. Resident Assistants will have roommate(s) assigned to them as needed; in this event, RAs may request a specific roommate.

Reappointment to the RA position will be contingent upon above-average performance as determined by evaluation and accompanied by feedback from their Hall Director, as well as maintenance of a 2.3 semester/cumulative FSU GPA. RAs may be reappointed under exceptions to this policy with a special developmental plan; continued employment will be contingent upon the RA abiding by and successfully completing the developmental plan. Reappointment happens at the end of each academic year.

Administrative Responsibilities & Job Functions

RAs are expected to complete all assignments in a timely manner.

RAs must attend Hall Council or RHA meetings and/or programs a total of two times a month in order to support the residents and student leaders in their building.

Each RA is responsible for building community on their floor and in their residence hall(s). This includes promoting an atmosphere of appreciation of diversity and inclusion of all residents. All RLO staff members are expected to refrain from sharing confidential information with anyone except their supervisor(s).

RAs are required to attend weekly staff meetings, weekly one-on-one supervision meetings, as well as departmental meetings throughout the year.

Specific semester program requirements will be set forth by the Residence Life Office during RA training. In addition, well, all RAs will be expected to use Bobcat Connect. Each RA is expected to fulfill these requirements as defined by the Residence Life Office.

The RAs, individually and as a staff, must maintain a constant flow of communication from residents to their supervisor and Assistant Director and from the supervisor and Assistant Director to the residents, including but not limited to postings, gathering information, etc. To this end, it is expected RAs will use their FSU e-mail

RA's will be assigned to a committee on which to participate throughout the academic year; attendance and participation is required at all meetings.

RA's will take part in significant RLO and University processes, including, but not limited to staff recruitment selection, student housing registration, and Admissions Open Houses.

RA's may be asked to assist with other duties as assigned that are relevant to the Resident Assistant position.

Responsibilities & Availability

RA's in each hall will share an "on-duty" rotation, so that there is a direct staff presence in the building each weekday night and all day on weekends. This is accomplished by sitting in the hall office during a specified period, making at least three periodic rounds of the building, being available to residents, and confronting and documenting policy violations. Being on duty means remaining in the building Sunday-Thursday 8pm-8am. During weekend duty, the RA on duty must always carry the duty phone and remain in the Frostburg area. Weekend duty RA's must sit in the hall office from 8:00pm-12:00am on Friday and Saturday night and be available in the hall until 8:00am the following morning. When RA's on duty are not in their rooms or in the office, they must clearly post a notice specifically indicating where they can be reached within the building. The RA duty phone must be turned on and with the RA on duty for the entirety of duty. The phone must be answered when the RA receives a call.

The RA is expected to be readily available in the hall, both when on duty on specified weeknights and weekends and other times when not on duty; RA's are expected to spend nights in their building unless requesting time away. An RA is allowed a maximum of six weekends per semester away (Friday and Saturday night) from their hall unless approved by the assigned Assistant Director and supervisor. Time away from your hall must be scheduled in advance with your supervisor. RA's are permitted to request one evening away from their hall a week (Sunday-Thursday). Only half of each staff will be granted time away simultaneously.

During the closing of the residence halls for shut down periods (i.e., Thanksgiving, spring break) RA staff members are required to be available to assist with inspections until the hall is officially closed. Official closing of the building will occur after all rooms in the hall are inspected for the break, which begins after residents are required to vacate the building. RA's should plan to leave for breaks on the day after building closures. Resident Assistants are required to be available to return prior to the reopening time of the halls.

End of the fall semester closing requires the assistance of all RA's to complete inspections of the halls. No RA should plan to leave for semester break until at least the day after hall closings.

End of the year closing inspections may take up to 3 days and all RA's are contracted to stay until dismissed by their supervisor and Assistant Director.

Resident Assistants are required to be on campus during peak weekends as determined by the Residence Life Office and during exam weeks.

During weather-related events, RA's are expected to share in building coverage and assist residents as needed. In the event of an emergency, such as a fire watch/loss of power, staff may be asked to conduct additional rounds for the safety of the residents in that building.

Academics & Extra-Co-Curricular Activities

All RA's must achieve a minimum 2.3 semester GPA and maintain a 2.5 cumulative GPA. RA's must carry a minimum of 12 credit hours during the semester unless the Assistant Director grants prior permission. Exceptions must be submitted in writing and approved by an Assistant Director of Residence Life.

The RA position demands much of an individual's time and personal commitment; therefore, it is expected that RA's will not hold another work assignment with or without pay unless permission of an Assistant Director is given. Anyone wishing to take more than 18 credit hours or participate in activities involving considerable time must discuss this in advance with their supervisor and Assistant Director and must have prior approval of the Assistant Director.

onsidered valid. Failure to meet the terms of this agreement and other responsibilities as outlined in the Resident Assistant Manual can result in termination of the Resident Assistant position.

Termination of Housing and/or RA Contract

The process leading up to termination of the RA position includes a meeting with the appropriate supervisor. The Hall Director will make a recommendation to the Assistant Director. The RA or supervisor may request a re-meeting prior to a final decision. These parties also may file a written appeal with the Director of Residence within three days if the outcome is termination. In cases where decisions are made when students are not on campus, the appropriate meetings may occur by phone if deemed necessary by the Residence Life staff. In some cases of serious job or conduct violations, RAs may be suspended from the position during the investigation of the incident. Should the RA be found not responsible after the investigation, there will be no impact on their room and board remuneration. If they are found responsible, termination and impact to remuneration will be effective back to the suspension date.

If an RA resigns or is released from the RA position, a bill will automatically be processed for room and board prorated for the remainder of that contract year. The student will be assigned a room in a building where they have not served as an RA. All belongings will need to be removed from the assigned space within forty-eight hours of the final decision. These stipulations may be negotiated with the Assistant Director of Residence Life.

I have read and understand the policies and expectations in the RA contract/agreement

Resident Assistant print

Date

Resident Assistant sign

Res. Ed. print

Date

Res. Ed. sign