



January 20, 2021

United States Department of Education  
Free Speech Hotline  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

*Sent via Electronic Mail (freespeech@ed.gov)*

To Whom It May Concern:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

We write to draw the Department's attention to Frostburg State University (FSU) due to the university's substantial misrepresentation of its educational program, which purports to protect the freedom of expression of its students and faculty.

FSU has acted in a manner inconsistent with its constitutional obligations and representations by punishing resident assistants for publicly criticizing the university's response to the COVID-19 pandemic. Specifically, FSU reportedly<sup>1</sup> utilized periodic reviews of RAs to penalize those who spoke out against the university. In internal emails obtained by a student journalist through public records requests, an FSU administrator confirmed that the report was "sort of" true<sup>2</sup> and proposed a draft response that stated, in part, "[i]n the real world, if you bad mouth your employer you could lose your job."<sup>3</sup>

This practice is flatly contrary to the university's obligations under the First Amendment. RAs' public criticism of the university is clearly protected speech where those RAs are

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<sup>1</sup> Cassie Conklin, FSU Attempts To Silence Students Who Speak Out About COVID-19, Says Resident Assistants, THE BOTTOM LINE, Nov. 12, 2020, <http://thebottomlinenews.com/fsu-attempts-to-silence-students-who-speak-out-about-covid-19-says-resident-assistants>.

<sup>2</sup> E-mail from Kimberly Hinds-Brush, Dir. Of Resident Life, Frostburg State Univ., to Carl Crowe, Dean of Students, Frostburg State Univ. (Nov. 2, 2020, 1:19 PM), *available at* <http://thebottomlinenews.com/wp-content/uploads/2020/11/RA-Eval-request.pdf>.

<sup>3</sup> E-mail from Hinds-Brush to Liz Medcalf, Dir. Of News & Media Services, Frostburg State Univ. (Nov. 2, 2020, 1:55 PM), *available at* <http://thebottomlinenews.com/wp-content/uploads/2020/11/RA-Eval-request.pdf>.

speaking as private citizens on a matter of public concern. The COVID-19 pandemic—and how institutions of higher education respond to it—are indisputably matters of public concern. Punishing students for speaking about their personal experiences cannot be reconciled with FSU’s constitutional obligations as a public university.

In response to FIRE’s criticism, FSU stated that no RAs would be terminated solely for expressing negative opinions about the university, but insisted that students who “express negative opinions about the workplace” would receive 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.” FSU did not commit to refraining from disciplinary action short of termination or provide any assurance that it would not subject RAs to a “teaching moment” for criticizing the university.

FSU is a public institution bound by the First Amendment. In addition to these constitutional commitments, FSU represents to its students and faculty, to the public, and to the Department that it protects the academic freedom and freedom of expression of its students and faculty. Relevant excerpts of these commitments are enclosed.

FSU’s refusal to correct these issues renders its representations a substantial misrepresentation in violation of 20 U.S.C. § 1094(c)(3) and 34 CFR 668.71(c).<sup>4</sup> Accordingly, FIRE requests that the Department initiate an investigation to determine whether monetary penalties or other measures are appropriate, pursuant to its authority under 20 U.S.C. § 1094(c)(3) and 34 CFR 668.71(a).

Sincerely,



Sabrina Conza  
Program Analyst, Individual Rights Defense Program

Encl.

- Appendix A: Excerpts of FSU’s expressive rights policies
- Appendix B: Correspondence between FIRE and FSU

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<sup>4</sup> U.S. Dep’t of Educ., Final Rule, 85 Fed. Reg. 59,922 n.37 (Sept. 23, 2020) (“The Department notes that public and private institutions also may be held accountable to the Department for any substantial misrepresentation under the Department’s borrower defense to repayment regulations”).

## **Appendix A:**

### **Excerpts of Relevant FSU's Policies**

#### **I. Obstruction of the Rights of Others**

FSU's Obstruction of the Rights of Others statement, published within FSU's COMMUNITY STANDARDS POLICY STATEMENTS (rev. Sept. 25, 2018), provides, in full:<sup>5</sup>

The University is committed to the maintenance of freedom of speech, press, expression, association, and access to the established educational facilities and processes. At the same time, the University will not tolerate willful efforts of individuals or groups to limit the exercise of those freedoms by others or to disrupt the normal processes by which the University fulfills its educational mission. Accordingly, University action and/or appropriate public law enforcement action will be taken against persons who willfully limit the protected freedom of others through disorderly assembly, disorderly picketing, obstruction of free speech, press, expression, assembly or access to the facilities and processes of the University.

#### **II. Academic Freedom**

FSU's Academic Freedom policy provides, in full:<sup>6</sup>

The University is committed to the belief that each faculty member is a professional person and is therefore the individual best qualified to judge all matters relating to the conduct of his/her classes. Policies concerning class attendance, textbook selection and teaching methods are the prerogative of the faculty member. In those cases where the department chairperson and faculty members of a department have agreed upon a uniform textbook for multiple sections of a particular course and/or have agreed upon course and program objectives, the faculty member is expected to cooperate with his/her departmental colleagues. The department chairperson and members of each department are free to initiate

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<sup>5</sup> FSU's Obstruction of the Rights of Others statement is set forth at page 4 of the COMMUNITY STANDARDS POLICY STATEMENTS (rev. Sept. 25, 2018), *available at* <https://www.frostburg.edu/about-frostburg/student-affairs/policystatements.pdf>.

<sup>6</sup> *Academic Freedom*, FSU POLICIES, FROSTBURG STATE UNIV. (last visited Jan. 19, 2021), [https://www.frostburg.edu/administration/policies/\\_files/pdfs/fsupolicy/2\\_023.pdf](https://www.frostburg.edu/administration/policies/_files/pdfs/fsupolicy/2_023.pdf).

academic procedures they consider most suitable to their special discipline, provided such procedures are not in conflict with general university goals and objectives or regulations and procedures relating to academic policies and procedures or to academic dishonesty. Academic policy and overall standards affecting degree requirements emanate from the faculty through the deliberations of the standing governance committees and are proposed by the Senate to the President.

## **Appendix B:**

### **Correspondence with FSU**

Correspondence with FSU is attached, as follows:

- Nov. 13, 2020, FIRE letter to FSU President Ronald Nowaczyk
- Nov. 20, 2020, FSU General Counsel Bradford S. Nixon letter to FIRE

**Nov. 13, 2020**

**FIRE letter to FSU President Ronald Nowaczyk**



November 13, 2020

President Ronald Nowaczyk  
Office of the President  
Frostburg State University  
101 Braddock Road  
Frostburg, Maryland 21532-2303

*Sent via Electronic Mail (president@frostburg.edu)*

Dear President Nowaczyk:

FIRE<sup>1</sup> is concerned by a report that Frostburg State University (FSU) is utilizing periodic reviews of students serving as Resident Assistants as a vehicle to penalize RAs who criticize the university's response to the COVID-19 pandemic.<sup>2</sup> That report, by *The Bottom Line*, is bolstered by emails sent by Director of Residence Life Kimberly Hinds-Brush, who said that the report was "sort of" true<sup>3</sup> and proposed a draft statement defending the practice:

In the real world, if you bad mouth your employer you could lose your job. With the Resident Assistants, who are employed by Frostburg State University, speaking out against their employer may be noted in their evaluation forms and used as a teaching tool.<sup>4</sup>

*The Bottom Line* reported that FSU did not respond to its inquiries about whether RAs would be penalized for "speaking out about their experiences, particularly with COVID-19." We have the same question and call on FSU to affirm the First Amendment rights of its RAs.

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<sup>1</sup> As you may recall from prior correspondence, the Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

<sup>2</sup> Cassie Conklin, *FSU Attempts To Silence Students Who Speak Out About COVID-19, Says Resident Assistants*, THE BOTTOM LINE, Nov. 12, 2020, <http://thebottomlinenews.com/fsu-attempts-to-silence-students-who-speak-out-about-covid-19-says-resident-assistants>.

<sup>3</sup> E-mail from Kimberly Hinds-Brush, Dir. of Residence Life, Frostburg State Univ., to Carl Crowe, Dean of Students, Frostburg State Univ. (Nov. 2, 2020, 1:19 PM), *available at* <http://thebottomlinenews.com/wp-content/uploads/2020/11/RA-Eval-request.pdf>.

<sup>4</sup> E-mail from Hinds-Brush to Liz Medcalf, Dir. of News & Media Services, Frostburg State Univ. (Nov. 2, 2020, 1:55 PM), *available at* <http://thebottomlinenews.com/wp-content/uploads/2020/11/RA-Eval-request.pdf>.

FSU inappropriately conceives of its relationship with its RAs to be one of pure at-will employment, under which an employer may terminate an employee for any or no reason, provided it is not contrary to contract or public policy. In the real world, Frostburg *State* University is a public institution bound by the First Amendment,<sup>5</sup> and students who take employment roles at the university do not “relinquish First Amendment rights to comment on matters of public interest by virtue of government employment.”<sup>6</sup>

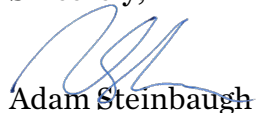
Instead, students employed as RAs retain a right to speak as private citizens on matters of public concern.<sup>7</sup> The COVID-19 pandemic is not only of critical public concern—that is, any subject which “can be fairly considered as relating to any matter of political, social, or other concern to the community”<sup>8</sup>—but is also important to the students and faculty members who live, learn, and work at FSU. It is also understandably important to the RAs, who are concerned about the safety of a campus that is not only their workplace but also their home. Even if a person speaks about their public employer, their speech may be protected so long as it addresses matters of public concern.<sup>9</sup> Consequently, RAs have a First Amendment right to publicly raise concerns about FSU’s response to COVID-19.

To be sure, the university may bar disclosure of individual students’ confidential information and restrict RAs from purporting to speak on behalf of FSU. However, retaliating against RAs for “speaking out” against the university is flatly impermissible under the First Amendment.

Accordingly, we call on FSU to immediately clarify that RAs will not be punished for speaking as private citizens on matters of public concern, provided that they do not purport to speak on behalf of FSU nor reveal information made confidential by law.

We request receipt of a response to this letter by November 20, 2020.

Sincerely,



Adam Steinbaugh  
Director, Individual Rights Defense Program

Cc: Kimberly Hinds-Brush, Director of Residence Life  
Carl Crowe, Dean of Students

Encl.

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<sup>5</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

<sup>6</sup> *Connick v. Myers*, 461 U.S. 138, 140 (1983).

<sup>7</sup> *Bradley v. James*, 479 F.3d 536, 538 (8th Cir. 2007).

<sup>8</sup> *Snyder v. Phelps*, 562 U.S. 453 (2011).

<sup>9</sup> *Pickering v. Bd. of Educ.*, 391 U.S. 563, 576–78 (1968) (appendix reproducing teacher’s letter to a local newspaper criticizing his employer, explaining that he teaches at the high school).



## Bradford Nixon

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**From:** Kimberly Hinds-Brush  
**Sent:** Monday, November 2, 2020 1:55 PM  
**To:** Liz Medcalf  
**Cc:** Carl W Crowe; Bradford Nixon; Artie L Travis; Jeffrey L Graham; Gregg A Sekscienski  
**Subject:** FW: RA Evaluations  
**Attachments:** RA Eval F20.docx

Liz,

I received tis email from Cassie and here is what I would like to respond with. I have also attached the evaluations form we use.

In the real world, if you bad mouth your employer you could lose your job. With the Resident Assistants, who are employed by Frostburg State University, speaking out against their employer may be noted in their evaluation forms and used as a teaching tool.

But I will leave this up to you. We did talk about attitude with the Hall Directors today and how that impacts how RA's are seen by others. And we discussed them coving this topic during their evaluations of the RA's under the attitude part of the eval.

Kim

Kim Hinds-Brush  
Director of Residence Life  
Frostburg State University  
Pullen Hall, 104  
301-687-4121

Analytical / Context / Learner / Relator / Strategic / Input

**From:** Cassie N Conklin  
**Sent:** Monday, November 2, 2020 1:09 PM  
**To:** Kimberly Hinds-Brush <kmhindsbrush@frostburg.edu>  
**Cc:** Delanie G Blubaugh <dglubaugh0@frostburg.edu>  
**Subject:** RA Evaluations

Good afternoon, Mrs. Hinds-Brush.

I am reaching out on behalf of *The Bottom Line* to inquire about Resident Assistant evaluations. A student wrote to us saying that "the university is requiring Hall Directors to put in their evaluation if an RA has spoken out against the university." Another student told me that this isn't required by Residence Life, but rather the university itself. They say it's going under the "attitude category." They are concerned this will impact their ability to be rehired in the future.

Are these students right in their assessment? Will RAs be penalized for speaking out about their experiences, particularly with COVID-19? Any help you can provide would be appreciated.

## Bradford Nixon

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**From:** Kimberly Hinds-Brush  
**Sent:** Tuesday, November 3, 2020 11:18 AM  
**To:** Bradford Nixon  
**Subject:** FW: RA Evaluations

Kim Hinds-Brush  
Director of Residence Life  
Frostburg State University  
Pullen Hall, 104  
301-687-4121

Analytical / Context / Learner / Relator / Strategic / Input

**From:** Kimberly Hinds-Brush  
**Sent:** Monday, November 2, 2020 1:22 PM  
**To:** Carl W Crowe <cwcrowe@frostburg.edu>  
**Subject:** Re: RA Evaluations

Sort of, I will come down after this meeting

Sent from my iPhone

On Nov 2, 2020, at 1:19 PM, Carl W Crowe <[cwcrowe@frostburg.edu](mailto:cwcrowe@frostburg.edu)> wrote:

Is this true?

Carl Crowe  
**Dean of Students**  
*Certified Title IX Hearing Officer*  
Frostburg State University  
116 Hitchins Administration Building  
101 Braddock Road  
Frostburg, MD 21532  
V - 301-687-4311 | F - 301-687-4937

<image001.png>

*This email and any files transmitted with it are confidential and intended solely for the use of the individual(s) to whom it is addressed. If you have received this email in error, please contact the sender. Any other use of this email is strictly prohibited.*

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**From:** Kimberly Hinds-Brush <[kmhindsbrush@frostburg.edu](mailto:kmhindsbrush@frostburg.edu)>  
**Date:** Monday, November 2, 2020 at 1:17 PM  
**To:** Carl W Crowe <[cwcrowe@frostburg.edu](mailto:cwcrowe@frostburg.edu)>  
**Subject:** Fwd: RA Evaluations

Sent from my iPhone

Begin forwarded message:

**From:** Kimberly Hinds-Brush <[kmhindsbrush@frostburg.edu](mailto:kmhindsbrush@frostburg.edu)>  
**Date:** November 2, 2020 at 1:14:29 PM EST  
**To:** Katie Weir <[keweir@frostburg.edu](mailto:keweir@frostburg.edu)>, Katie S Buehner <[ksbuehner@frostburg.edu](mailto:ksbuehner@frostburg.edu)>  
**Subject:** Fwd: RA Evaluations

WTF

Sent from my iPhone

Begin forwarded message:

**From:** Cassie N Conklin <[cnconklin0@frostburg.edu](mailto:cnconklin0@frostburg.edu)>  
**Date:** November 2, 2020 at 1:08:40 PM EST  
**To:** Kimberly Hinds-Brush <[kmhindsbrush@frostburg.edu](mailto:kmhindsbrush@frostburg.edu)>  
**Cc:** Delanie G Blubaugh <[dgblubaugh0@frostburg.edu](mailto:dgblubaugh0@frostburg.edu)>  
**Subject:** RA Evaluations

Good afternoon, Mrs. Hinds-Brush.

I am reaching out on behalf of *The Bottom Line* to inquire about Resident Assistant evaluations. A student wrote to us saying that "the university is requiring Hall Directors to put in their evaluation if an RA has spoken out against the university." Another student told me that this isn't required by Residence Life, but rather the university itself. They say it's going under the "attitude category." They are concerned this will impact their ability to be rehired in the future.

Are these students right in their assessment? Will RAs be penalized for speaking out about their experiences, particularly with COVID-19? Any help you can provide would be appreciated.

Best,

Cassie Conklin  
Frostburg State University  
Department of Geography, Class of 2020

**Nov. 20, 2020**

**FSU General Counsel Bradford S. Nixon letter to FIRE**



*One University. A World of Experiences.*

OFFICE OF THE GENERAL COUNSEL  
FROSTBURG STATE UNIVERSITY  
101 BRADDOCK ROAD  
FROSTBURG, MD 21532-2303  
T 301.687.4111  
F 301.687.7070

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**

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**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.

<b>Builds community</b> – 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:

<b>Programming</b> – 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:

<b>Role model</b> – 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:

<b>Hall Safety</b> – 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:

<b>Conduct</b> – 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:

<b>Administrative</b> – 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:

<b>Multicultural Appreciation</b> – 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:

<b>Personal Growth</b> - 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:

<b>Team player</b> - 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:

<b>Summary Comments</b>

**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 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 you 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.

considered 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 designee.

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