

University Advisory Council Meeting Minutes  
 Friday, September 13, 2024  
 1:30 p.m. | President's Conference Room

Name	Attended	Name	Attended	Name	Attended
Adams, Sharman	✓	Lombardi, John	✓	Travis, Artie	✓
Craddock, Emma	absent	Michalski, Rachel	✓	Trey, Nick	absent
Delia, Al	✓	Nightengale, Amy	✓	VanSkiver, Donnell	✓
Donoway, Troy	absent*	Nixon, Bradford	absent	Walsh, Jennifer	✓
Dunmyre, Justin	✓	Nowaczyk, Ronald	✓	Wilhelm, Sara	✓
Epstein, Jenna	✓	Short, John	absent	Wynder, Robin	✓
Fike, Harry	✓	Toro, Hailie	✓		

\*Tim Pelesky attending

- I. Call to Order at 1:35 p.m.
- II. Introductions
- III. Discussions
  1. Use of Faculty/Staff Email Lists
    - a. Complaints have been received regarding use of email lists for unofficial purposes. Complainants have asked for an avenue to opt out of these types of communications. Tim Pelesky, CIO, provided a demonstration of Town Square on the Faculty and Staff portal which would provide a forum for these types of conversations. The use of this would then limit the use of the faculty and staff email distribution lists to business use only. There would also need to be definitive guidelines regarding what qualifies as an "official business" email.
    - b. A lengthy discussion was held regarding perceptions of censorship with this avenue, adoption of the platform, and optics of the timing of roll-out.
    - c. **ACTION:** begin marketing Town Square and strongly encourage its use. Begin testing the usage and move toward removing access to send to distribution lists; identify who will have access to use these lists going forward.
  2. Faculty Senate proposal on freedom of expression (attached)
    - a. Review and provide input at the October meeting.
  3. Draft of Free Speech and Assembly Policy (attached)
    - a. Defer to October meeting.
  4. Review of UAC By-Laws (attached)
    - a. Review and provide input at October meeting.
  5. Strategic Initiatives Update
    - a. Defer to October meeting.
  6. Budget Plan Update
    - a. Defer to October meeting.
- IV. Adjournment at 3:01 p.m.

Next meeting: October 11, 2024  
 Submitted by: Donnell H. VanSkiver, CAP, MEP, OM  
 Executive Administrative Assistant III

## Freedom of Speech and Expression Statement of Values

The free exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. Scholarship and learning can only flourish in an environment in which the unfettered expression of all ideas is nurtured. To that end, Frostburg State University (FSU) is committed to promoting and protecting every person's freedom to express their views, however controversial, in a lawful manner.

With certain exceptions, such as threats of physical violence and unlawful harassment, free speech is protected by the United States Constitution. The State of Maryland and FSU share the commitment to free speech that is imbedded in our nation's constitution. Any effort to limit protected speech based solely on content is a violation of FSU's legal and academic responsibilities and is therefore impermissible.

FSU's duty to advance facts and the truth--as well as our commitment to the students, faculty, and staff who comprise the FSU community--can also impose an obligation to condemn, confront, or correct speech that is hateful or discriminatory. Institutional leaders and other campus community members may counter speech designed to denigrate others or undermine evidence-based scholarship with additional speech. Offensive speech cannot be banned, but it can—and often should—be challenged.

A healthy and thriving community also depends on the civility of its members towards one another. Although offensive speech cannot be prohibited, FSU community members have a responsibility to demonstrate mutual respect for their peers and colleagues. Concerns about civility and mutual respect cannot, however, be used as a justification for stifling discussion of ideas, however offensive or disagreeable those ideas may be to some members of the FSU community.

As a community of scholars and learners, FSU is committed to fostering vigorous debate based on facts and evidence. With that in mind, and in keeping with the University System of Maryland's civic education and engagement initiative, FSU should inculcate among students an appreciation for the importance of free speech, as well as an understanding of how to communicate effectively and respectfully regarding contentious issues.

Finally, the physical safety of all FSU students, faculty, and staff is paramount. FSU's campus serves as a home, center of learning and scholarship, community hub, and workplace. Neither unlawful harassment nor violence, nor the threat of violence, can be tolerated. In safeguarding the physical safety of every member of the FSU community, regardless of their background or views, we can enable, rather than stifle, the process of free inquiry and intellectual exchange that is at the heart of any academic enterprise.

In considering their obligations to support free speech and expression, while promoting civility and ensuring every person's physical safety, FSU should be guided by the following principles.

## Promoting Free Speech and Free Expression

FSU institutions has an obligation to protect every person's freedom to speak and to hear all views. Hateful speech that does not rise to the level of a true threat or unlawful harassment cannot be banned.

FSU has no obligation to protect any person from exposure to speech with which they might disagree. Exposure to all perspectives, including those that may be deemed disagreeable or even offensive, can be an essential part of the educational experience and can help foster a greater understanding of how to respect a person while communicating a differing opinion.

FSU may restrict time, place, and manner of speech under uniformly applied guidelines, but cannot restrict protected speech based on content.

### Protecting and Fostering Community

FSU must protect the physical safety of all community members, react to threats of violence or destruction, and penalize unlawful conduct. They must also work to prevent and respond to unlawful harassment that is based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, or any other legally protected class.

Institutional leaders may take positions on the content of speech, particularly if the speech is uncivil and/or designed to denigrate other community members based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class.

FSU may respond to offensive, but permitted, speech by fostering opportunities for other speakers with contrary viewpoints. Offensive speech is combatted most effectively not through speech bans, but through additional speech and communication.

FSU should provide support services to community members negatively impacted by offensive, but permitted, speech.

In accordance with applicable law, FSU must track and annually report on hate crimes.

# FROSTBURG

## STATE UNIVERSITY

### **FREE SPEECH AND ASSEMBLY POLICY**

Frostburg State University ("FSU") recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, freedom of thought, and freedom of expression. The university encourages the search for truth and knowledge and does not abridge searchers' rights to reveal their findings, by both spoken and written word, even if in so doing they might find themselves at variance with their peers as well as the lay community. Consistent with the mission of the University and in the spirit of academic inquiry, to dissent, to disagree with generally accepted truth and knowledge is acceptable. The university also stands for the right of all the university community to pursue their legitimate activities without interference, intimidation, coercion, or disruption. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly and affirms all rights and freedoms guaranteed under the Constitution of the United States.

### **PROCEDURE**

Reasonable time, place, and manner restrictions will be enforced. However, the enforcement will not depend, in any way, on the subject matter involved in an expressive activity. It is strongly suggested that all activities be registered with the appropriate office based on the building you are intending to reserve in advance in order to make adequate arrangements for safety and security and to ensure the space desired is available. Information can be found at Office of the Lane Center Director located in the Lane Center, Room 214.

FSU provides forums for the expression of ideas and opinions, such as the following:

1. FSU supports outdoor assembly of persons for free speech activities, including vigils, protests, and demonstration. Outdoor spaces are also frequently used for FSU sponsored events and activities, such as educational forums, Homecoming, concerts, etc. Public forums include FSU's public yard space, sidewalks, Echo Circle, and the area around the Clock Tower. These areas are generally available for non-amplified expressive activity, planned or spontaneous, for the individual or small group at an approved time without the need for reservation or prior approval, unless the space is already scheduled.

2. Overnight assembly on campus, including but not limited to camping, is prohibited.
3. Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purpose and are typically not available for public expressive activity. Examples include, but are not limited to, classrooms, residence halls, faculty and staff offices, academic buildings, administration buildings, the Health Center and Counseling and Psychological Services, roadways, parking lots, athletic fields, and the library.
4. To balance the right to free expression with the needs of the campus community and in accordance with local ordinances, such activities are permitted between 7:00 a.m. and 11:00 p.m.
5. Additionally, security considerations may affect the availability of spaces that would otherwise be available.

#### **GUIDELINES**

1. Registered university organizations and university departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Office of the Lane Center Director located in the Lane Center, Room 214.
2. Literature can be distributed in public forums. However, the party distributing the literature is responsible for cleaning up any discarded paper and restoring the campus to its previous condition. Literature may not be distributed in non-public forums.
3. No amplification equipment may be used. Exceptions may be made by requesting written permission from the Senior Student Affairs Officer.
4. Use of campus land is on a temporary basis.

5. Flyers may be placed on open bulletin boards inside or outside university buildings with the approval of the Senior Student Affairs Officer or designee.
6. "Chalking" or the use of chalk on FSU sidewalks is governed by the FSU Chalk Policy.
7. Sales, solicitation, merchandising: This policy prohibits the sale of products or food, the exchange of goods, contractual arrangements, or services, or the barter or trade of merchandise or material by any unaffiliated person or group. Outside commercial activities and the posting of flyers for commercial purposes inside or outside of buildings are prohibited unless accompanied by a fully executed Event Services/Facilities Use contract for such activities. The Senior Student Affairs Officer or designee may authorize, in writing, exceptions to this provision based on written requests received at least three business days prior to the event or activity.
8. Disruptive activities will not be allowed. FSU has defined a disruptive activity as any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conduct of the university business, or the authorized scheduled events and activities of any and all segments of the university. No activity will be permitted that blocks access to university buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized university activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.
9. Furthermore, any activity that incites imminent lawless action or that triggers an automatic violent response will be considered disruptive. In addition to any potential criminal penalties, students engaging in disruptive activities will be referred to the Office of Student Conduct, and employees will be referred to Human Resources.

#### **REVIEW**

The Senior Student Affairs Officer in consultation with the General Counsel is responsible for the review of this operating policy annually.

**Frostburg State University  
University Advisory Council**

**By-Laws**

**I. Scope and Purpose**

The Frostburg State University Advisory Council (Council) is a deliberative and broadly representative forum that exists to consider the activities of the University in all of its phases, with particular attention to the educational objectives of the University and those matters that affect the common interests of faculty, staff, and students. The Council may recommend general policies and otherwise advise the President of the University and can initiate policy proposals as well as to express its judgment on those submitted to it by the President and other administrative officers of the University.

In the Council's deliberative role, an important function of the Council is to transform the interests of its various constituency groups into policies to be initiated or evaluated for recommendation to the President that are consistent with the interest of the University as a whole. Also in this role, the Council participates in the institutional planning and assessment cycle as described in the Institutional Effectiveness Plan.

In its representative role, an important function of the Council is to inform the officers of the University, as well as the constituencies of the University at-large, of the range and strength of views held by members of the University community.

**II. Membership**

1. Composition

The Council shall be composed of the University officers and representatives of the faculty, students, and staff, all of whom shall be voting members of the Council, as follows:

- a. The President of the University (ex officio)
- b. The Vice Presidents of the University (ex officio)
- c. Three members of the faculty, appointed by the Chair of the Faculty

- d. Three staff members from the Staff Senate, appointed by the Chair of the Staff Senate
- e. Three students from the Student Government Association Senate or Executive Board, appointed by the SGA President.
- f. The Chair of the Graduate Council (ex officio)

## 2. Terms of Office

The terms for all members, other than the Vice Presidents, shall be for one year. Terms shall begin on July 1 of each year.

## 3. Vacancies

If a vacancy is created by a status change or resignation of a member, a successor member will be appointed by the appropriate body.

## 4. Duties

Membership on the Council requires a readiness to attend meetings of the Council regularly and to participate fully in its business. It is the continuous obligation of the members of the Council to report to the members of their constituencies about the discussions, decisions, and recommendations of the Council and to solicit questions and suggestions from them for presentation to the Council.

## 5. Recall

The faculty, staff, and student members shall be subject to recall by procedures developed by the Faculty Senate, Staff Senate, and Student Government Association as appropriate.

### **III. Meetings**

#### 1. Stated Meetings

The normal schedule of the stated meetings of the Council shall be as set by the President of the University at the beginning of each semester.

#### 2. Special Meetings

A special meeting shall be called whenever requested by the President, or by petition of one-third of the total membership of the Council.

#### 3. Agenda

Suggestions for agenda items shall be submitted in writing to the President's Office.

#### 4. Quorum

A quorum shall be a simple majority of the members of the Council.

#### 5. Additional Attendees

The Council may from time to time invite additional individuals with particular expertise to help the Council carry out its responsibilities. These individuals shall not be voting members.

### **IV. Committees**

#### 1. Standing Committees

University-wide committees that do not report to an existing administrative or senatorial body shall report to the Council. The Council will publish a list of these committees on its website.

#### 2. Ad hoc Committees

The Council may create time-defined committees to address specific campus issues and report to the Council. These committees should include membership from faculty, staff, students, and administration whenever possible.

### **V. Amendments**

These bylaws may be amended by a majority vote of the members of the Council in attendance in the presence of an actual quorum at any meeting if the proposed changes have been distributed in writing to the members of the Council at least one month in advance of that meeting.