

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Solicitation on Campus

Policy Number: 16.25

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/20/2021

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs

Purpose of Policy (what does it do):

Reason for the addition, revision, or deletion (check all that apply):

Scheduled Review Change in law Response to audit finding

Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Adjusted policy to refer alleged violations of this policy to the appropriate office for students or employees. Also updated references to comply with new law.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Student Affairs Policy Review Committee

Andrew Dies, Assistant Vice President of Student Affairs/Dean of Students

Brandon Frye, Vice President of Student Affairs

Damon Derrick, General Counsel

Solicitation on Campus

Original Implementation: July, 1980

Last Revision: April ~~20, 2021~~12, 2022

Definitions

1. Solicitation means the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of, or request for, any gift or contribution. However, this term does not apply to an appointment between a student or employee, and another person (solicitor), if the appointment does not interfere with or disturb the normal activities of the student or employee, or the university.
2. Campus shall mean all real property over which the university has possession and control by law.
3. University group shall mean a recognized student, faculty, or staff organization.
4. Outside group shall mean any organization or group that is not included within the term "university group."
5. University agent shall mean a person acting in the course and scope of that individual's employment on behalf of an academic college, department, or program, or a university council, committee, or auxiliary enterprise.
6. University function shall mean any activity directly sponsored by the university.
7. University department shall mean any academic or administrative department of the university.

Time, Place, and Manner Regulations

1. No solicitation shall be conducted in any building or structure on the campus. However, the following activities shall not be deemed to be solicitations prohibited by this section:
 - a. From the day the residence halls open through the first day of classes each semester, the sale or offer for sale of any newspaper in an area designated by the appropriate university official.
 - b. The distribution, sale or offer for sale of any newspaper, magazine, or other publication by means of a vending machine or rack in an area designated in advance by the appropriate university official.
 - c. The sale or offer for sale of any food or drink item by means of a vending machine in an area designated in advance by the appropriate university official.
 - d. The sale or offer for sale of any publication of the university or of any book or other printed material to be used in the regular academic work of the university.
 - e. The operation by the university or its subcontractor of any bookstore, specialty store, laundry service, dining and retail facilities, student center, or other service facility maintained for the convenience of the students, faculty, and staff.
 - f. The sale or offer for sale by the university or its sub-contractor of food and drink items,

- programs, and tickets at athletic contests.
- g. The collection of membership fees or dues by a university group.
 - h. The collection of admission fees for the exhibition of movies or other programs that are sponsored by the university, or a university group, and are scheduled in accordance with the Use of University Facilities (16.33) policy.
 - i. The posting of ads and for sale notices in newspapers or on campus kiosks designated for such purposes by the appropriate university official, provided that such ads and notices posted on bulletin boards conform to the Expressive Activities (16.4) policy.
 - j. University recognized groups conducting fund raising activities approved by the appropriate university official. The university requires that only members of the group approved to conduct fundraising may solicit directly. Non-members may not be used to solicit on behalf of the organization.
 - k. Other solicitation activities as approved by the appropriate university official.
2. No solicitation shall be conducted on the grounds, sidewalks, and streets of the campus except by:
 - a. a university agent; or
 - b. a university group.
 3. Solicitation to buy complimentary copies of textbooks are specifically prohibited anywhere on the campus or in any building.
 4. Only university departments and the SFA Alumni Association may be approved to solicit as agents of a commercial organization.
 5. Solicitation conducted on the campus must not:
 - a. disturb or interfere with the regular academic or institutional programs of the university;
 - b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic on the sidewalks and streets and at places of entry and exit to university buildings;
 - c. harass or intimidate the person or persons being solicited; or
 - d. violate an exclusivity agreement entered into with the university.
 - ~~6. If an employee or faculty or staff organization violates the provisions of this policy, the incident should be reported to Human Resources. If an individual student or student group violates the provisions of this policy, the appropriate university official, with the approval of the vice president to whom that individual reports, may prohibit the offender from engaging in any solicitation on the university campus for a specified period~~
 - ~~7.6. of time not to exceed one (1) year~~ *an incident report should be filed with the Dean of Students Office. Any violations by an outside group should be reported to the Vice President for Finance and Administration. In the case of a repeated violation of these rules, the following sanctions shall may apply:*
 - a. ~~The appropriate university official with the approval of the vice president to whom the individual reports~~ *The Assistant Vice President of Student Affairs and Dean of Students, or their Designee, may suspend or cancel the recognition status of an offending student organization.*
 - b. ~~The appropriate university official~~ *The appropriate university official, with the approval*

- ~~of the vice president to whom the individual reports,~~ may suspend the use of university facilities by an offender in accordance with the Penalty and Hearing section of the Use of University Facilities (16.33) policy;
- c. The university may prosecute an offender for trespass in accordance with Chapter 51 of the Texas Education Code.

Procedures for Conducting Raffles on Campus

1. University groups authorized to conduct raffles under the Charitable Raffle Enabling Act (Tex. Occ. Code Ch. 2002) may conduct raffles on campus
2. All proceeds from the sale of tickets must be spent for the charitable purposes of the organization.
3. The qualified university group is limited to ~~two~~ *four (24)* raffles per calendar year (January 1 - December 31) and may not conduct more than one (1) raffle at a time. This will be monitored by the Office of Student Engagement ~~Programs~~ within the Division of Student Affairs.
4. The sponsoring university group may not promote the raffle through television, radio, newspaper, or other medium of mass communication by the use of paid advertising, or promote or advertise statewide, other than on the university group's internet website or through a publication or solicitation, including a newsletter, social media or e-mail, provided only to previously identified supporters of the university group, or sell or offer to sell tickets for the raffle statewide.
5. The university group conducting the raffle may not compensate a person directly or indirectly for organizing or conducting a raffle or for selling or offering to sell tickets to the raffle, unless that person is employed by the university group and the work organizing or conducting the raffle is no more than a de minimis portion of that person's employment with the university group. Persons who are not members of the university group may not sell or offer tickets to the raffle.
6. The university group conducting the raffle must have the prize in its possession or post bond for the full amount of the money value of such prize before raffle tickets are sold. The prize awarded at a raffle may not be money and the value of the prize may not exceed \$275,000. The following must be printed on each raffle ticket sold or offered for sale:
 - a. the name of the university group conducting the raffle and the address of the organization or of a named officer of the organization;
 - b. the price of the ticket; and
 - c. a general description of each prize that has a value of more than \$10 and is to be awarded in the raffle.

Financial Policies of Student Organizations

1. The Vice President ~~offer~~ Student Affairs or designee may request a financial statement of any student organization at any time. The requirements of the financial statement shall be established by the *Assistant Vice President of Student Affairs and Dean of Students, or their*

Designee ~~Dean of student affairs.~~

2. Any registered student organization failing to comply with the provisions of this section may be subjected to sanctions provided by the Time, Place, and Manner Regulations section.

Additional Rules

In addition to these rules, solicitation conducted in:

- a. residence halls must comply with the rules governing residence halls.
- b. the Baker Pattillo Student Center must comply with the rules governing the Baker Pattillo Student Center; and
- c. academic buildings must comply with the rules governing academic buildings.

Cross Reference: U.S. Const. amend. I; U.S. Const. amend. XIV, §1; Charitable Raffle Enabling Act, Tex. Occ. Code Ch. 2002; Tex. Educ. Code §§ 51.204, .209, 101; Use of University Facilities (16.33); Expressive Activities (16.4)

Responsible for Implementation: Vice President ~~off~~ Student Affairs

Contact for Revision: Vice President ~~off~~ Student Affairs; *Assistant Vice President of Student Affairs and Dean of Students*

Forms: Fundraising Approval

Board Committee Assignment: Building and Grounds