



## **Solicitation on Campus**

### **Purpose**

The purpose of this policy is to regulate solicitation on property, in buildings, or in facilities owned or controlled by Stephen F. Austin State University.

### **Persons Affected**

This policy applies to all individuals and organizations using property, buildings or facilities owned or controlled by the university.

### **Definitions**

Campus: all real property over which the university has possession and control by law.

Outside group: any organization or group that is not included within the term university group.

Solicitation: the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise or product that is designed to encourage the purchase, use or rental of any property, product merchandise, publication or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue or proposition appearing on the ballot at any election held pursuant to state or federal law or local ordinances. 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.

Solicitor: any person or entity engaged in solicitation.

University agent: 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.

University department: any academic or administrative department of the university.

University function: any activity directly sponsored by the university.

University group: a recognized student, faculty or staff organization.

### **Policy**

No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by Stephen F. Austin State University or the U.T. System unless by a university agent or a university group and permitted by the UT System Regents' Rules and Regulations. Only university departments and the university Alumni Association may be approved



to solicit as agents of a commercial organization.

1. Exceptions to Prohibition

The following activities shall not be deemed solicitations prohibited by this section when conducted in accordance with the approved rules and regulations of the U.T. System or the university. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of the university or any program or activity that is conducted by or is authorized by the U.T. System or the university; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities; does not harass, or intimidate the person or persons being solicited; and does not violate applicable state, federal, or local laws or regulations or violate an exclusivity agreement entered into with the university:

- a. Expressive Activities. Engaging in expressive activities, as defined by Texas Education Code Section 51.9315(2), in a common outdoor area of a campus.
- b. Newspapers and Magazines. The distribution, sale, or offer for sale of a newspaper, magazine, or other publication by means of an unattended rack or vending machine in area(s) designated in advance by the President or designee for the direction of such activity.
- c. Food and Drink. The sale or offer for sale of food, drink, or any other product that may be lawfully sold by means of a vending machine that is operated by the university, U.T. System, or a subcontractor of either, under an approved written agreement, in an area designated in advance by the President or designee.
- d. Publications. The sale or offer for sale by the university, the U.T. System, or a subcontractor of either, under an approved written agreement, of any publication of the university or U. T. System or of any book or other printed material to be used in the regular academic work of the university. Solicitation to buy complimentary copies of textbooks are specifically prohibited anywhere on the campus or in any building.
- e. Services.
  - i. Any offering of services and related products by a third party or by U. T. System and/or one or more of the institutions on behalf of a third party (a "Third Party Service Offering") established and maintained primarily for the convenience of students, faculty, or staff. Such Third Party Service Offering must be established and maintained pursuant to a written agreement between the third party and the affected U. T. System entity or entities and such written agreement:
    1. clearly sets for the nature and scope of the solicitation activities that



- the third party is permitted to undertake on U. T. System or university property and is construed to prohibit any solicitation activities not specifically enumerated in such written agreement.
2. is of specified duration with defined renewal procedures and periods; and
  3. includes appropriate provisions to protect the privacy of students, faculty, and staff and requires compliance with subsection 1 above.
- ii. Services may include any service or service facility for the convenience of the students, staff, faculty, or bona fide visitors that is operated or maintained by the university or its subcontractors, or lessee, under an approved written agreement, including but not limited to:
1. Any bookstore, specialty store, laundry, pharmacy, cafeteria or food service;
  2. A child care facility limited to children or bona fide dependents of students, faculty or staff;
  3. A state or federal credit union with membership limited primarily to students, faculty and staff of the university and other area institutions of higher education or other component institutions and the U.T. System, and the officers and employees of organizations closely related to the university's educational mission, such as officially recognized alumni associations and cooperative bookstores;
  4. Private post office boxes, under an approved written agreement, that limits the use to students, faculty and staff of the university; or
  5. Unmanned teller machines and drop-boxes for express delivery services that are located and maintained under an approved written agreement that prohibits advertising the location of the unmanned teller machine or drop-boxes to the general public.
  6. Any provider who violates state law, the U.T. System Regents' Rules and Regulations, or the applicable university guidelines in the course of activities permitted under this provision, shall not be permitted to participate in such activities for a period of one year for the date of the violation.
- f. Sale of Items at Events. The sale or offer for sale by the university or the U.T. System or a subcontractor of either, under an approved written agreement, of food, drink, souvenirs, novelty items, and programs at athletic contests or other programs or events sponsored or authorized by the university or the U.T. System.
- g. Collections and Sales by University Organizations. The collection of contributions



or the sale of merchandise, publications, food, or nonalcoholic beverages by the Student Government Association or by a registered student, faculty, or staff organization. The Student Government Association or a registered student, faculty, or staff organization may not conduct such solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student, faculty, or staff organization or that is not otherwise qualified under the criteria of subsection 1.j. below to conduct solicitation. In the case of specific drives for disaster relief, the Vice President of Student Affairs may approve a drive that complies with all other requirements of the U.T. System Regents' Rules and Regulations and university regulations. Texas law allows a registered student organization to be relieved from State sales tax liability in certain circumstances detailed in the Texas Tax Code. All proposed sales events are subject to applicable provisions of this HOP, Regents' Rules and to other university policies concerning the time, place, and manner of solicitation. The items offered for sale may not be items that the organization has obtained on consignment. Solicitations permitted under this exception do not include web site solicitations which are restricted under UTS 122 Guidelines for Web Site Solicitations.

- h. Collections of Fees or Dues. The collection of membership fees or dues by registered student, faculty, or staff organizations at meetings of such organizations scheduled in accordance with the university's facilities use policies.
- i. Admission Fees. The collection of admission fees for the exhibition of movies or for other programs that are sponsored or presented by the university, the U.T. System or, if permitted by and scheduled in accordance with the approved rules and regulations of the university, by the Student Government Association or by a registered student, faculty, or staff organization.
- j. 501(c)(3) Organizations. Solicitation of funds by any organization that can present to the Vice President for Finance and Administration, or designee, written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Internal Revenue Code Section 501(c)(3). Such solicitation must be conducted in an area(s) designated for that purpose by the Vice President for Finance and Administration, or designee, in accordance with the university's facilities use policies. Persons soliciting on behalf of an organization must have credentials identifying them as authorized agents of the organization. Permission to solicit shall not be used by the organization as an endorsement by the university or the U.T. System. No organization may solicit under this subdivision for more than a total of fourteen (14) days, whether continuous or intermittent, during each state fiscal year.
- k. Goods and Services for Residence Halls. Occasional sales or offers of sales of goods or services that comply with applicable federal, state, and local laws and regulations and are conducted solely for the resident(s) of an individual university residence hall room or an individual apartment when a resident of such room or apartment has given specific invitation in advance for salespersons to come to the



individual residence hall room or individual apartment for that purpose. This exception does not authorize sales or offers of sales of goods or services within a university residence hall room or apartment by the occupant, door-to-door sales or offers of sales of goods or services, or sales or offers of sales of goods or services to persons who are present in an individual residence hall room or apartment but are not residents of such room or apartment.

- I. Event Sponsors. Under the terms of an approved written agreement, the acknowledgement of a sponsor of an intercollegiate athletics department or athletic event of the university may be displayed on the official web page of such athletics department and, at the option of the sponsor, a textual hypertext link and/or a graphic hypertext link to the web page of the sponsor may also be displayed. Such agreement may also provide for an acknowledgement of the sponsor to be announced over a public address system, displayed on a scoreboard or electronic message center, or displayed by other means at locations designated for that purpose in athletic facilities pursuant to an approved policy of the university. The content of such acknowledgement and any use of the name, logos, symbols, or marks of the university by the sponsor must be according to established formats approved by the Trademark Licensing Director or, if nonstandard, have the prior written approval of the Trademark Licensing Director. See also The University of Texas Systemwide Policy UTS 122, Guidelines for Web Site Solicitations.
- m. Electronic Message Centers. Advertising displayed on an outdoor electronic marquee or message center owned and operated by the university or the U.T. System.
- n. Athletic Tournaments. Advertising and merchandise displayed at an athletic tournament that is sanctioned by the official national or international organization for such athletic competitions, provided that, such advertising and merchandise is required to be displayed under the terms of one or more contractual agreements between such organization and one or more sponsors and such contracts were in effect prior to the date that the university was selected as the site for the tournament.
- o. Raffle Tickets. The sale or offer for sale by a registered student organization of charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the provisions of Texas Occupations Code Section 2002.001 et seq.
- p. Computer Hardware and Software. The display and demonstration by manufacturers and distributors of personal computer hardware and software suitable for use by students, faculty, and staff in the academic programs of the university and the presentation of information and demonstrations related to remote networks for personal computers by entities that provide access to such networks. Such activities may be conducted once each academic year upon invitation by the President, or designee, and must be limited to the time and place designated by and under guidelines specified and controlled by the university. A



manufacturer or distributor of personal computer hardware or software or an entity that provides access to remote networks for personal computers may not make sales or take orders.

- q. **Benefit Plan Information.** The distribution or presentation to officers and employees of the university and the U.T. System of material related to health benefit plans, life insurance, tax sheltered annuities, retirement plans or programs, or other benefits that are available to such officers and employees through employee benefit plans or programs offered by or approved by the university or the U.T. System. Such material may be distributed or presented only by the Office of Human Resources of the university or at meetings scheduled for that purpose pursuant to guidelines established by the U.T. System Office of Human Resources. Those companies that are currently authorized Optional Retirement Program vendors may, at the invitation of the university or the U.T. System, be permitted to engage in on-campus group seminars for the purpose of providing education, product marketing, and participant enrollment, subject to such rules and limitations as the university may deem necessary and appropriate. Currently authorized Optional Retirement Program vendors may advertise such on-campus meetings throughout the university, subject to prior approval by the university. The term currently authorized Optional Retirement Program vendor means a company that has a current contractual agreement with the U.T. System to provide Optional Retirement Program products to officers and employees of the U.T. System but does not include those companies with grandfathered Optional Retirement Program participation or vendors of Tax Sheltered Annuity products or services.
- r. **Employee Discount Programs.** The distribution or presentation to employees of the university or the U.T. System of material related to products and services offered by companies that provide employee discount programs, merchandise membership programs, credit union and banking programs, or other benefits that are available to such officers and employees through discount plans or programs approved by the university or the U.T. System. Such material may be distributed or presented by the Office of Human Resources of the university or the U.T. System, with the approval of the President, and placed on university's web pages for the purpose of providing education, product and service information, and participant enrollment, in accordance with guidelines promulgated by the Executive Vice Chancellor for Business Affairs.
- s. **Employees.** Solicitation by the officers or employees of the university or the U.T. System acting in the course and scope of their authority.
- t. **Printed Material from U. T. Organizations.** Subject to the university's reasonable and nondiscriminatory rules concerning the time, place, and manner of distribution, sale, or display of material, the distribution, sale, or display by a Student Government Association or a registered student, faculty, or staff organization of printed material (including any newspaper, magazine, or other publication, any leaflet, flyer, or other informal matter or any sign, banner, or exhibit), or the distribution or display of such material, at no cost, by individual students, faculty,



or staff, or oral statements by students, faculty, staff, or their associations or registered organizations. A publication within this rule may contain paid advertising, but only if the publication is devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the advertising. Printed material and oral statements under this rule may also contain advertising for academic or administrative units of the university or the U.T. System, for registered student, faculty, or staff organizations, or for organizations that are not operated for profit. This rule does not authorize any form of advertising except as provided in the preceding two sentences. This rule does not authorize distribution, sale, or display of any publication operated for profit. An organization or publication is operated for profit if any part of the net earnings of its operation or distribution inures to the benefit of any private shareholder or individual. Solicitations permitted under this exception do not include web site solicitations which are restricted under UTS 122 Guidelines for Web Site Solicitations.

u. Commonly Used Services.

i. Designation. The display and distribution of printed material from tables or booths by providers of services that are commonly utilized by students, faculty, and staff of the university, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies. The university may designate no more than two one-day periods each academic year for the activities authorized under this provision and will determine their time and place as well as the number of providers who participate. The activities of a provider must be conducted in compliance with state law, this policy, and other U. . System or university guidelines. A provider may not make sales of or take orders for services. The university shall charge an appropriate fee for the privilege of conducting such activities. Any provider who violates state law, the Regents' Rules and Regulations, or the applicable guidelines of the university in the course of activities permitted under this policy, shall not be permitted to participate in such activities for a period of one (1) year from the date of the violation.

ii. Restrictions on Credit Card Marketing. An individual who has exercised delegated authority under (a) above to allow campus credit card marketing activities shall comply with all requirements of Chapter 761 of the Texas Business and Commerce Code and shall assure that a session on credit card and debt education, as well as protecting personal information from identity theft, is included in all orientation programs for new students.

v. Athletic Events, Professional Entertainment Touring Events, or Cultural or Historical Festivals or Exhibitions.

i. Designation. The President may designate a reasonable number of areas in a reasonable proximity to the exterior of a facility used for intercollegiate athletic events, professional entertainment touring events, or occasional cultural or historical festivals or exhibitions, and may authorize such areas



to be used for the display of motor-propelled vehicles and for the location of booths, tables, or kiosks to be used for the display of merchandise, the distribution of free samples of merchandise, and the display and distribution of printed material related to merchandise, products, or services. Such activities may be authorized only on the day before and the day or days of an intercollegiate athletic event, a professional entertainment touring event, a cultural or historical festival or exhibition, or an event that is related to athletics that takes place in the facility. The President may designate a reasonable number of areas inside a facility to be used for intercollegiate athletic events, professional entertainment touring events, or cultural or historical festivals or exhibitions for such activities if the safety officer of the university approves the designation and use of the area. All persons engaged in or associated with such displays and distributions must conduct those activities in compliance with state law, the Regents' Rules and Regulations, and with other university guidelines. Such persons may not make sales of or take orders for such vehicles, merchandise, products, or services. The university shall charge an appropriate fee for the privilege of using such areas. Persons or entities that violate state law, the Regents' Rules and Regulations, or the applicable guidelines of the university while using designated areas under this provision shall not be permitted to engage in activities under this provision for a period of one (1) year from the date of the violation.

- ii. **Restrictions on Credit Card Marketing.** An individual who has exercised delegated authority under (a) above to allow campus credit card marketing activities shall comply with all requirements of Chapter 761 of the Texas Business and Commerce Code and shall assure that a session on credit card and debt education, as well as protecting personal information from identity theft, is included in all orientation programs for new students.
  
- w. **Elections.** In the course of an election process held pursuant to the approved constitution, bylaws, or election code of the faculty or staff governance organization or of the Student Government Association of the university or an election held pursuant to the approved rules, regulations, or policies of the university, requests may be made to support or to vote for or against a qualified candidate for an office or position to be filled at such election or to support or to vote for or against a proposition to be decided at such election. Such request may be made only by the candidates for an office or position; by a registered student, faculty, or staff organization and its members; or by a student, faculty member, or staff member. Individuals and organizations making such requests must conduct all activities in compliance with the approved time, place, and manner regulations of the university and the provisions of the constitution, bylaws, election code, rules, regulations, or policies authorizing the election. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform services for the university.
  
- x. **Support of a Candidate or Proposition.**



- i. By institution students, faculty, or staff or registered organization. The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, state, or local laws when such request is made by a registered student, faculty, or staff organization, or by a student, faculty member, or staff member. Persons or organizations must conduct such activities in compliance with subsection 1 above; the time, place, and manner regulations of the university; and the provisions of federal, state, or local laws governing such election. Persons or organizations may not use any equipment, supplies, or services of the university. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform duties for the university. No registered student, faculty, or staff organization that receives state funds from any source may engage in such activities.
  - ii. By non-institution persons or organizations. The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, state, or local laws when such request is made by a non-institution person or organization when the polls are open for voting during the early voting period or voting period in which the university building is being used as a polling place. Persons or organizations must conduct such activities in compliance with subsection 1 above; the time, place, and manner regulations of the university; and the provisions of federal, state, or local laws governing such election, including Texas Election Code Sections 61.003, 85.001, and 85.036.
- y. **Web Page Link.** The placement on the university web page (as defined below) of textual and graphic information and a hypertext link to the web site of a person or commercial entity for which the university or the U.T. System may receive revenue or avoid costs as a result of the permitted Solicitation ("Web Site Solicitation"). Web Site Solicitations must be placed on the university web pages in accordance with guidelines promulgated by the Executive Vice Chancellor for Business Affairs. A university web page is a page created or maintained by or on behalf of the university or an office, department, or division of the university, and located within the university's information technology environment.
- z. **Roommate Advertisements.** Subject to the university's reasonable and nondiscriminatory rules concerning time, place, and manner of posting, students, faculty, and staff may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used.
- aa. **Bicycle Share Programs.** Subject to the university's reasonable and nondiscriminatory rules concerning time, place, and manner of posting, advertising displayed on bicycles and on and around kiosks participating in bicycle share programs approved by the university.



2. **Impermissible Solicitation.** All permissible solicitation must be conducted in compliance with subsection 1 and the time, place, and manner regulations of the university. If, after reasonable investigation, it is determined that impermissible solicitation is being or has been conducted or that permissible solicitation is being or has been conducted in violation of the Regents' Rules and Regulations or the approved rules and regulations of the university or the U.T. System.
  - a. a student, a faculty member, or a staff member will be subject to such disciplinary penalty as may be appropriate; and
  - b. the Student Government Association or a registered student, faculty, or staff organization shall be prohibited from solicitation for such period or periods of time as may be appropriate. In the case of repeated violations, the registered status of the organization may be cancelled or other appropriate penalties may be imposed. Any penalty or penalties must be imposed pursuant to the due process procedures of applicable Regents' Rules and Regulations or approved policies and guidelines of the university or the U.T. System.
3. **Disclosure of Solicitation.** The Student Government Association and each registered student organization shall, within thirty (30) days after the beginning of each long session semester, file with the Dean of Students or their designee a statement fully disclosing the sources and amounts of money obtained from solicitations during the preceding semester or summer session and fully disclosing the purposes and amounts of the expenditures made during the preceding semester or summer session. Any organization failing to comply with the provisions of this policy shall be prohibited from solicitation activities until the organization files the required report.

## **Procedures**

1. **Procedures for Conducting Raffles on Campus**
  - a. University groups authorized to conduct raffles under the Charitable Raffle Enabling Act (Tex. Occ. Code Ch. 2002) may conduct raffles on campus.
  - b. All proceeds from the sale of tickets must be spent for the charitable purposes of the organization.
  - c. The qualified university group is limited to four (4) 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 within the Division of Student Affairs.
  - d. 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.



- e. 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.
  - f. 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 \$75,000. The following must be printed on each raffle ticket sold or offered for sale:
    - i. the name of the university group conducting the raffle and the address of the organization or of a named officer of the organization;
    - ii. the price of the ticket; and
    - iii. a general description of each prize that has a value of more than \$10 and is to be awarded in the raffle.
2. Financial Policies of Student Organizations
- a. The Vice President of 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.
  - b. 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.
3. Violation of Policy
- a. If an employee or faculty or staff organization violates the provisions of this policy, the incident should be reported to Human Resources. If a student or student group violates the provisions of this policy, 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 may apply:
    - i. 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.
    - ii. The appropriate university official may suspend the use of university facilities by an offender in accordance with the Penalty and Hearing section of the Use of University Facilities policy;
    - iii. The university may prosecute an offender for trespass in accordance with Chapter 51 of the Texas Education Code.
4. 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.

### **Related Statutes or Regulations, Rules, Policies, or Standards**

Tex. Bus. & Com. Ch. 761  
Tex. Elec. Code §§ 61.003, 85.001, 85.036  
Tex. Educ. Code Ch. 51, Subchapter A  
Tex. Gov't Code § 572.060  
Tex. Occ. Code Ch. 2002

Regents' *Rules and Regulations*, Rule 80103, Solicitation

UTS 122 Guidelines for Web Site Solicitations

### **Responsible Executive**

Vice President of Student Affairs

### **Forms**

Fundraising Approval

### **Revision History**

September 1, 2023 (original)