
SOLICITATION ON CAMPUS

A. Purpose

The purpose of this policy is to regulate solicitation on property, in buildings, or in facilities owned or controlled by The University of Texas Rio Grande Valley (UTRGV).

B. Persons Affected

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

C. Definitions

1. 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 products 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.

D. Policy

The policy of UTRGV is that property, buildings, or facilities owned or controlled by UTRGV are not open for public assembly, speech, or other activities unless properly authorized. The responsibility of UTRGV to operate and maintain an effective and efficient educational institution requires that the time, place, and manner of assembly, speech, and other activities on the grounds and in the buildings and facilities of UTRGV be regulated. Any authorized use must be conducted in compliance with the provisions of The University of Texas System Board of Regents' *Rules and Regulations*, the approved rules and regulations of UTRGV, and applicable federal, state, and any local laws and regulations.

1. *Prohibition of Solicitation:*

No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by UTRGV or the UT System unless permitted by the Regents' *Rules*.

2. *Exceptions to Prohibition:*

The following activities shall not be deemed to be prohibited when conducted in accordance with this Section. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of UTRGV or any program or activity that is conducted by the UT System or UTRGV; 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 or 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 and regulations:

- a. 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 an area or areas designated in advance by the President or designee for the conduct of such activity.
- b. Food and Drink. The sale or offer for sale of food, drink, or any other product or service that may be lawfully sold by means of a vending machine operated by the UT System or UTRGV or a subcontractor of either, under an approved written agreement, in an area designated in advance by the President or designee.
- c. Publications. The sale or offer for sale by the UT System or UTRGV, or a subcontractor of either, under an approved written agreement, of any publication of the UT System or UTRGV or of any book or other printed material to be used in the regular academic work of UTRGV.
- d. Services. Any offering of services and related products by a third party or by UT System or one or more of its institutions on behalf of a third party (a "Third Party Service Offering") established and maintained primarily for the convenience of students, faculty, staff, or patients. Such Third Party Service Offering must be established and maintained pursuant to a written agreement between the third party and the affected UT System entity or entities and such written agreement:
 - i. clearly sets forth the nature and scope of the solicitation activities that the third party is permitted to undertake on UT System or UTRGV property and is construed to prohibit any solicitation activities not specifically enumerated in such written agreement.
 - ii. is of specified duration with defined renewal procedures and periods; and
 - iii. includes appropriate provisions to protect the privacy of students, faculty, staff, and patients and requires compliance with subsection D.1 above.
- e. Sale of Items at Events. The sale or offer for sale by the UT System or UTRGV 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 UT System or UTRGV.
- f. Collections and Sales by University Organizations. The collection of contributions or the sale of merchandise, food, publications 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 D.2.i below to conduct solicitation. In the case of specific drives for disaster relief, the Vice President for Student Success of UTRGV may approve a drive that complies with all other requirements of Section D.2 immediately above. 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 other policies concerning the time, place, and manner of solicitation. Solicitations permitted under this exception do not include web site solicitations which are restricted under University of Texas Systemwide Policy UTS122 *Guidelines for Web Site Solicitations*.

- g. 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 facilities use regulations, Handbook of Operating Procedures ADM 10-301, Facility Use.
- h. Admission Fees. The collection of admission fees for the exhibition of movies or for other programs that are sponsored or presented by the UT System or UTRGV or, if permitted by and scheduled in accordance with the approved rules and regulations of UTRGV, by the Student Government Association or by a registered student, faculty, or staff organization.
- i. 501(c) (3) Organizations. The solicitation of funds by any organization that can present to the Executive 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 Section 501(c)(3), *Internal Revenue Code*. Such solicitation must be conducted in an area or areas designated by the Executive Vice President for Finance and Administration, or his or her delegate, in accordance with HOP ADM 10-301, Facility Use. 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 UT System or UTRGV. 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.
- j. 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 for the residents 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 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.
- k. Event Sponsors. Under the terms of an approved written agreement, the acknowledgement of a sponsor of an athletic event or an advertisement announced over a public address system, displayed on a scoreboard or electronic message center or displayed by other means in athletic facilities at locations designated for that purpose pursuant to an approved policy of UTRGV. The content of such

acknowledgement and any use of the name, logos, or marks of UTRGV 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 UTS122 *Guidelines for Web Site Solicitations*.

- I. Electronic Message Centers. Advertising displayed on an outdoor electronic marquee or message center owned and operated by the UT System or UTRGV.
- m. 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 UTRGV was selected as the site for the tournament.
- n. 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.
- o. 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 UTRGV 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 his or her delegate and must be limited to the time and place designated by and under guidelines specified and controlled by UTRGV. 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.
- p. Benefit Plan Information. The distribution or presentation to officers and employees of UTRGV 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 UT System or UTRGV. Such material may be distributed or presented only at the Office of Human Resources of the UT System or UTRGV, or at meetings scheduled for that purpose pursuant to guidelines established by the UT System Office of Human Resources.
- q. Employee Discount Programs. The distribution or presentation to employees of the U. T. System and UTRGV 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 UT System or UTRGV. Such material may be distributed or presented by the Office of Human Resources of the UT System or UTRGV, with the approval of UTRGV's

President, and placed on UTRGV'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.

- r. Employees. Solicitation by the officers or employees of the UT System or UTRGV acting in the course and scope of their authority.
- s. Printed Material from University Organizations. Subject to UTRGV's reasonable and nondiscriminatory rules concerning the time, place, and manner of distribution, sale, or display of material, the distribution, sale, or display by the 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 UT System or UTRGV, for registered student, faculty, or staff organizations, or for organization 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 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 UT Systemwide Policy UTS 122 – Guidelines for Web Site Solicitations.
- t. Commonly Used Services.
 - i. Delegation. 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 UTRGV, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies. UTRGV may designate no more than two one-day periods each academic year during which all authorized providers may engage in such activities in an area selected by UTRGV. UTRGV will determine the number of providers authorized to participate on each of the two one-day periods. The activities of a provider must be limited to the time and place designated by UTRGV and must be conducted in compliance with this policy and other guidelines specified by UTRGV. A provider may not make sales of or take orders for services. UTRGV shall charge an appropriate fee for the privilege of conducting such activities. Any provider who violates the Regents' *Rules* or the rules and regulations of UTRGV in the course of such activities or who has violated a provision of the Regents' *Rules* or the rules and regulations of UTRGV during the twelve-month period preceding a

day designated by UTRGV for activities authorized by this section shall not be permitted to participate in such activities for a twelve-month period.

- 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* et seq. 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.
- u. Athletic Events, Professional Entertainment Touring Events, or Cultural or Historical Festivals or Exhibitions.
 - i. Delegation. UTRGV may designate a reasonable number of areas immediately adjacent 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 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. UTRGV may designate a reasonable number of areas inside a facility used for intercollegiate athletic events, professional entertainment touring events, or cultural or historical festivals or exhibitions for such activities if the designation and use of the area is approved by the Director of Environmental Health and Safety of UTRGV. All persons engaged in or associated with such displays and distributions must conduct those activities in compliance with Subsection D and with other guidelines specified by UTRGV. Such persons may not make sales of or take orders for such vehicles, merchandise, products, or services. UTRGV shall charge an appropriate fee for the privilege of using such areas. If persons engaged in such activities violate the Regents' *Rules* or the rules and regulations of UTRGV, such persons and any entity that they are acting for shall not be permitted to engage in activities under this subsection for a twelve-month period.
 - 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. Elections. In the course of an election process held pursuant to the approved constitution, bylaws, or election code of the Faculty or Staff Senate or of the

Student Government Association of UTRGV or an election held pursuant to the approved rules, regulations, or policies of UTRGV, 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 requests 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 UTRGV stated in Subsection D.1; other applicable UTRGV policy; 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 UTRGV.

- w. Support of a Candidate or Proposition. 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 D.2; with the time, place, and manner regulations of UTRGV; with the provisions of federal, state, or local laws governing such election; and may not use any equipment, supplies, or services of UTRGV. 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 UTRGV. No registered student, faculty, or staff organization that receives state funds from any source may engage in such activities.
 - x. Web Page Link. The placement on UTRGV 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 U. T. System or UTRGV may receive revenue or avoid costs as a result of the permitted solicitation ("Web Site Solicitation"). Web Site Solicitations shall be placed on UTRGV Web Pages in accordance with guidelines promulgated by the Vice Chancellor for Business Affairs. A University Web Page is a page created or maintained by or on behalf of UTRGV or an office, department, or division of UTRGV, and located within UTRGV's information technology environment.
 - y. Roommate Advertisements. Subject to UTRGV'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.
3. Impermissible Solicitation:

All permissible solicitation must be conducted in compliance with Subsection D.2. If, after reasonable investigation, the President or his or her delegate determines 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* or the approved rules and regulations of the UT System or UTRGV:

- 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* or approved rules and regulations of the UT System or UTRGV.

4. Disclosure of Solicitation:

The Student Government Association and each registered student organization shall, within thirty 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 recipients, the purpose, and amounts of the expenditures made during the preceding semester or summer session. A registered student organization that received no money during a semester or summer session other than from its own members need file only a statement to that effect. Any organization failing to comply with the provisions of this paragraph shall be prohibited from solicitation activities until such organization files the required report.

E. Responsibilities

Not applicable.

F. Procedures

Not applicable

G. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), and/or Coordinating Board Rule(s)

The University of Texas System Regents' *Rules and Regulations, Series 80000, Facilities*

Regents' Rule 80103, *Solicitation*

The University of Texas Systemwide Policy UTS122, *Guidelines for Web Site Solicitations*

The University of Texas Rio Grande Valley *Handbook of Operating Procedures, STU 03-100, Recognition and Approval of Student Organizations*

UTRGV HOP ADM 06-110, *Acceptance of Money from Students*

UTRGV HOP ADM 10-301, *Facility Use*

UTRGV HOP ADM 02-202 *Faculty and Staff Organizations.*