**Solicitation on Campus UPPS No. 07.04.03
Issue No. 11**

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 **Next Review Date: 12/01/2023 (E4Y)**

 **Sr. Reviewer: Associate Vice President for Student Success and Dean of Students**

**01. POLICY STATEMENTS**

01.01 The purpose of this policy is to set forth Texas State University’s rules and regulations regarding solicitation on both the San Marcos and Round Rock campuses. This policy and procedure statement also contains the university’s policy regarding charitable raffles on campus.

01.02 In this policy, solicitation means:

1. the sale or offer for sale of any property, goods, products, or services, including the distribution of literature to promote a commercial message; or
2. the receipt of or request for any gift or contribution. Solicitation on campus is prohibited, except for the activities described in Section 02.01.

 \*01.03 In this policy, registered status is granted to student organizations whose purpose and activities enhance the social, cultural, recreational, and educational development of the students. Registration **must** be renewed annually with Student Involvement at LBJ Student Center (@LBJSC) at the end of each spring semester.

 01.04 In an effort to enhance the overall educational quality of life at Texas State and protect the financial resources of the institution, the university contracts with private vendors to provide services to the students, faculty, and staff. By contractual agreement, the university is required to regulate the sale of goods and services that may be in conflict or in competition with either the contracts or vendors. Contracted services aim to promote lowered student fees, the provision of funds for facilities renovation, and other activities.

**02. SOLICITATION EXCEPTIONS**

02.01 Any solicitation on the San Marcos campus must be approved by the dean of Students, or designee, unless listed as an exception below. The designee may include Student Involvement @LBJSC. Any solicitation on the Texas State Round Rock campus must be approved by the Round Rock Student Success supervisor, or designee. Exceptions include:

1. the sale or offer for sale, through vending machines operated by the university or its subcontractors, of any newspaper, magazine, or other publication in an area designated by the dean of Students on the San Marcos campus and by the Round Rock Student Success supervisor, or designee:
2. The dean of Students, or designee, may establish reasonable content-neutral regulations for the distribution of publications on the San Marcos campus. The Round Rock Student Success supervisor, or designee, may establish reasonable content-neutral regulations for distribution of publications on the Round Rock campus. The regulations will be narrowly tailored to serve a significant university interest, such as the seven significant interests set forth in Section 02.02; and
3. In order to serve one or more of the significant university interests set forth in Section 02.02, the dean of Students, or designee, may establish a reasonable number of locations for newspaper vending machines and newspaper racks on the San Marcos campus. To serve the same purpose, the dean of Students, or designee, or the Round Rock Student Success supervisor, or designee, may also establish the number of vending machines or racks at each location;

b. the sale or offer for sale of food, drinks, and other items through:

1. vending machines; and

2) catering at locations approved in advance by the director of Auxiliary Services.

 The approval process for catered food is contained in [UPPS No. 05.03.02](https://policies.txstate.edu/university-policies/05-03-02.html), Catered Events;

c. the sale or offer for sale by the university or its subcontractor of food and drink items, souvenirs, tickets, and programs at athletic contests or at any program or event sponsored or authorized by the university. Solicitation on campus involving food, beverages, or snacks must be in compliance with the exclusive rights for such sales on campus by the vendors, in accordance with their contracts;

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, cafeteria, or other service facility maintained for the convenience of the students, faculty, or staff;

f. 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 regulations;

g. the collection of admission fees or contributions for the exhibition of movies or other programs, including fine arts and athletic events, that are sponsored by the university or by a registered student, faculty, or staff organization and that are authorized and scheduled in accordance with the facilities use regulations of the university;

h. activities that are scheduled by a registered student, faculty, or staff organization on behalf of a charitable organization and that are conducted in accordance with non-discriminatory policies approved by Student Involvement @LBJSC and scheduled in accordance with the university’s facilities use regulations;

i. events sponsored by a registered student, faculty, or staff organization or the university that are authorized and scheduled in accordance with the facilities use regulations of the university. All signs, tickets, and literature advertising the event must identify the sponsoring organization. The university may require that members of the sponsoring organization solicit directly, and may prevent organizations from using non-members to solicit for the organization;

j. activities of agents of companies authorized by the university to provide information or services related to instruments, equipment, office supplies, health insurance, optional retirement programs, or tax-sheltered annuities and other university-related services specifically requested by the university;

k. the advertisement of any activity, item, service, or product in any university publication;

l. the advertisement of any activity, item, service, or product sent to university students, faculty, or staff through the United States Postal Service; and

m. in accordance with [UPPS No. 04.05.02](https://policies.txstate.edu/university-policies/04-05-02.html), Tobacco and Smoking Policy, which indicates that Texas State is a tobacco-free university, solicitation of any tobacco product is not allowed.

02.02 Permissible solicitation must be conducted in a manner that will not:

a. interfere with academic or other institutional programs that are being carried out in campus facilities;

b. interfere with the free and unimpeded flow of vehicular or pedestrian traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings;

c. use obscene or libelous language or materials;

d. harass or intimidate the person or persons being solicited;

e. promote the violation of local, state, or federal law, published university policy, or the [Texas State University System (TSUS) Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html);

f. constitute disorderly conduct, disrupt classroom discussion, impede maintenance of public order, or constitute a danger to the person distributing or disseminating material or any other individual or group; or

g. litter or deface the campus grounds, such as chalking, graffiti, flyers in unapproved locations, etc.

02.03 On the San Marcos campus, amplified sound will only be allowed in the mall areas and LBJ Student Center Amphitheatre from 11:00 a.m. to 1:00 p.m. and 5:00 p.m. to 10:00 p.m. Amplified sound, including radios and loud music, may be allowed in Sewell Park from 8:00 a.m. to 10:00 p.m. Amplified sound hours on the Round Rock campus must be coordinated with the Round Rock Student Success supervisor, or designee.

02.04 With regard to alcohol sponsorship, advertising and promotion by co-sponsoring merchandisers should focus on the event being held, not on the products; and the sale or giving away of items bearing the alcohol co-sponsors’ logo or message must not be the primary activity or focus of the event.

1. The sale or giving away of alcohol-related advertising items (e.g., key chains, t-shirts, frisbees, cups, etc.) may be handed out or sold to those attending a co-sponsored event.
2. The sale or giving away of alcohol-related logo items solely as a fundraising or promotion activity is prohibited, including by student organizations.

**03. PROCEDURES FOR CONDUCTING RAFFLES ON CAMPUS**

03.01 Groups authorized to conduct raffles under the [Charitable Raffle Enabling Act (Art. 179 F, Vernon's Texas Civil Statutes),](https://statutes.capitol.texas.gov/Docs/OC/htm/OC.2002.htm) hereafter referred to as a qualified organization, may conduct raffles on campus, if approved, with proper documentation, by Student Involvement @LBJSC or by the Round Rock Student Success supervisor, or designee. Qualified organizations include non-profit organizations that:

a. have existed for at least three preceding years and are exempt from federal income tax under [Section 501(c), Internal Revenue Code](https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations);

b. do not distribute any of their income to their members, officers, or governing body;

c. do not devote a substantial part of their activities to attempting to influence legislation; and

d. do not participate in any political campaign.

03.02 Groups wishing to conduct raffles on- or off-campus must meet with Student Involvement @LBJSC or with the Round Rock Student Success supervisor, or designee, at least 10 university days prior to requested dates to review state of Texas and university policies and procedures related to conducting raffles.

**04. PROCEDURES FOR SOLICITATION**

04.01 The following may be used when soliciting on campus: a booth, table, or a small tent. The item may be no larger than 10 feet by 10 feet in dimension. Solicitation is allowed only in the following locations (in the case of special activities, other locations will be designated solely within the discretion of Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee):

 San Marcos campus:

1. The Quad – located in the central part of campus that begins next to Taylor Murphy History Building and Evans Liberal Arts Building and extends to the area between Comal Building and Flowers Hall. No amplified sound is permitted in this area;
2. LBJSC Mall – located where Alkek Library, LBJSC, and Elliott Hall intersect. Amplified sound is permitted in this area from 11:00 a.m. to 1:00 p.m. and 5:00 p.m. to 10:00 p.m.;
3. LBJSC Patio – located outside the second-floor dining area, there will be a nominal charge for tables, chairs, or other furniture and equipment provided by the LBJSC; and
4. Bobcat Trail – located between the Undergraduate Academic Center and Evans Liberal Arts Building. No amplified sound is permitted in this area.

Round Rock campus:

1. Avery Building – locations inside include the foyer and fourth floor commons areas; location outside includes the grassy mall located on the south side of the building. Approval for solicitation is scheduled by the Round Rock Student Success supervisor, or designee.

04.02 Activities in all booths must be conducted in a manner consistent with Sections 02.01 and 02.02 and, in addition, must meet the following requirements:

a. each booth must meet fire and safety standards; this includes the use of a functioning UL-listed fire extinguisher, if grilling with gas. No grill may be placed under trees or canopies. Only gas grills are allowed and must be at least 50 feet from a building. If the sale of food or beverages is involved, the booth must meet health department regulations and all federal, state, and local food-handling regulations. This includes the wearing of protective gloves when handling food, the maintenance of proper food-holding temperature through the use of thermometers, and the wearing of hair nets by food handlers. Any student organization selling food must have at least one person present at the booth at all times who has completed the food safety training;

b. solicitation booths may be approved for no more than 10 university days per month, based on availability, in locations designated by Student Involvement @LBJSC or by the Round Rock Student Success supervisor, or designee. The sponsoring student organization or university department is responsible for returning the area to its original condition at the conclusion of each day (i.e., remove all equipment, booth, or tent, pick up trash, etc.);

c. booths must be staffed by members of the sponsoring registered student organization or university department at all times;

d. a sign identifying the sponsoring registered student organization or university department must be prominently displayed at all times;

e. a valid Student Involvement @LBJSC or Round Rock campus permit must be displayed at the booth site by the sponsoring registered student organization, university department, or approved vendor;

f. all reservations are assigned based on availability in the campus locations designated by Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee;

g. solicitation on campus by any other bookstore or retailer, or sponsored vendor through a university-recognized organization, is expressly prohibited if it involves the sale of items found for sale at the University Bookstore;

h. apparel offered for sale by a university-recognized organization must meet specific requirements prior to approval from Auxiliary Services. Student groups wishing to sell apparel must meet with Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee, at least 10 university days prior to obtaining approval;

1. the Alumni Affairs credit card solicitation on campus is an approved activity of the Texas State Alumni Association. No other credit card solicitations will be approved to solicit on campus, regardless of sponsorship;
2. per [UPPS No. 01.04.11](https://policies.txstate.edu/university-policies/01-04-11.html), Guidelines for Use of Texas State Logos and System Statement Graphic, registered student organizations that wish to use a university logo must submit a written request to the director of University Marketing for approval; and

k. solicitation may not be approved for specific designated dates provided by Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee (e.g., university-wide special events).

04.03 Off-Campus Solicitation

1. In order to maintain the good will of our local community and encourage maximum private support, the university will coordinate and approve off-campus solicitation by registered student organizations and university departments, as outlined in [UPPS No. 03.06.01](https://policies.txstate.edu/university-policies/03-06-01.html), Off-Campus Solicitation by Registered and Chartered Student Organizations.
	1. Co-Sponsorships
2. registered student organizations are prohibited from co-sponsoring solicitation with non-university entities;
3. university departments and chartered student organizations are eligible to co-sponsor solicitation with non-university entities with prior approval from Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee. A completed [Vendor Agreement Form](https://gato-docs.its.txstate.edu/jcr%3Aaec6857d-1da8-47a4-96c2-40c3f40c855e/Vendor%20Agreement%20Form.pdf) must be submitted at least 10 university days prior to the first day of the scheduled event; and

\*c. a staff member of the department or member of the chartered student organization must remain with the non-university entity for the entire duration of the co-sponsorship on campus. On the San Marcos campus, Market Days will be designated for at least two one-day periods each long-term semester for the activities authorized under this policy with time, place, and manner of non-university entities. The activities must be conducted in compliance with state law, [TSUS Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html), and university policies and procedures. Texas State shall charge to non-university entities, an appropriate fee for the privilege of conducting such activities. All university profits raised via Market Days will be allocated to student organizations or used for programming via Student Involvement @LBJSC.

* 1. The process for obtaining approval for solicitation from booths on campus is as follows:

a. faculty, staff, and student organizations desiring to conduct solicitation activities on campus can obtain a [Solicitation Request form](https://sa.txstate.edu/pps/upps070403SolicitationRequest.pdf) from the Student Involvement @LBJSC information desk. This form must also be used for the Round Rock campus;

1. completed forms with appropriate signatures must be submitted to the Student Involvement @LBJSC Information Desk or to the Round Rock Student Success supervisor, or designee, at least 10 university days before the scheduled event;
2. Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee, will review solicitation requests and respond as soon as possible, not to exceed 10 university days;
3. upon approval of the solicitation request, the student organization or departmental representative will be notified via email with a valid Student Involvement @LBJSC solicitation permit;
4. any solicitation activity planned for a residence hall must also be approved by the director of Housing and Residential Life, or designee. Door-to-door solicitation in any residence hall or campus apartment complex of any kind is prohibited; and
5. any solicitation activity planned for an athletic event, including tailgating, must also be approved by the director of Athletics, or designee.

**05. PROCEDURES FOR EXCEPTIONS, APPEALS, AND VIOLATION OF THIS POLICY**

05.01 Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee, has the authority to grant exceptions or variances to the provision of this policy to meet the exigencies of unusual circumstances. No person or organization may conduct any of the activities governed by this policy in variance to the policies stated herein without permission from Student Involvement @LBJSC or the Round Rock Student Success supervisor, or designee.

05.02 A student representative of the organization or representative of a university department may appeal a decision regarding its solicitation request to the dean of Students. The appeal must be delivered to the Dean of Students Office in writing.

05.03 Any registered student organization or university department failing to comply with the provision of this policy may be prohibited from further solicitation.

**06. PROCEDURES FOR PUBLICIZING THIS POLICY**

* 1. This policy and related procedures will be made available annually:
1. through the [Texas State Staff Handbook](https://www.hr.txstate.edu/staffhandbook.html);
2. by a notice included in the [Texas State Student Handbook](http://www.dos.txstate.edu/handbook.html);

1. by a memorandum from the director of the LBJSC to department chairs, directors, deans, and vice presidents; and
2. by a letter from the director of the LBJSC to all student organizations.

**07. REVIEWERS OF THIS UPPS**

* 1. Reviewers of this UPPS include the following:

Position Date

Associate Vice President for Student December 1 E4Y

Success and Dean of Students

Director, LBJ Student Center December 1 E4Y

Round Rock Student Success December 1 E4Y

Supervisor

Vice President for University December 1 E4Y

Advancement

1. **CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Student Success and Dean of Students; senior reviewer of this UPPS

Vice President for Student Success

President