

21.99.09.C0.01 Access to University Property for Soliciting Donations and for Sales and Rentals



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Procedure Statement

This procedure addresses how Texas A&M University-Corpus Christi regulates the activities of organizations and individuals desiring to sell or rent products and services directly to or solicit donations directly from students, employees, and visitors.

Reason for Procedure

This procedure assigns authority for approving sales, rentals, and donation solicitation on the Texas A&M University-Corpus Christi campus and details associated permits.

Definitions

Consideration: An inducement to enter an agreement. Some right, interest, profit, or benefit, or some forbearance, detriment, loss, or responsibility given or undertaken by parties to the transaction, including funds, gratuities, or contributions.

Sales and Rentals: The offer to transfer goods to, or render services for, another, whether for immediate or future delivery, in exchange for funds, pledges, contributions, or other consideration.

Soliciting Donations: The collection of funds, pledges, or contributions by an individual, group, or entity without requiring consideration in return. This also includes the promise of future funds, pledges, and/or contributions.

Transaction: An exchange of consideration (funds, pledges, or contributions) between two or more persons or entities for the purposes of consummating a sale or rental.

Promotion, Advertising, and Marketing: Creating publicity for a product, service, event, program, activity, etc. without the individual or group also seeking to sell, rent, or solicit a donation.

Traditional Public Forums: Areas which are generally available for expressive activity, planned or spontaneous, for the individual or small group (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited. Examples include, but are not limited to, the university's public streets, sidewalks, parks, and similar common areas.

Designated Public Forums: Parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to traditional public forums (public streets, sidewalks, and parks) in terms of access and availability for expressive activity. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited. Examples include, but are not limited to, designated gazebos, green space, campus malls, and main walkways through campus.

Limited Public Forums: Areas with limited open access for public expression, or limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of Student Engagement and Success. Examples include, but are not limited to, auditoriums, meeting rooms that may be made available at times to non-university groups, and athletic facilities during events.

Non-Public Forums: Areas that are not traditional public forums or designated public forums. These include areas that are not, by tradition or designation, forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, Health Center facilities, library, research and computer laboratories, and research facilities.

Procedures and Responsibilities

1. GENERAL

The authority to approve all public sales, rentals, and donation solicitations (excluding university auxiliary services and contracted vendors) on the Texas A&M University-Corpus Christi campus rests with the Vice President for Institutional Advancement as delegated by the university President.

All officially recognized university groups, non-university groups, and vendors, as defined in section 2 of this procedure, must obtain prior approval for sales, rentals, and donation solicitation.

All other sales, rentals, or donation solicitation by vendors require a contract and approval

by the Executive Vice President for Finance and Administration. Such contracts must be reviewed and approved by the Contracts and Property department.

2. GROUPS

2.1. University Groups

- 2.1.1. Departmental groups are administrative or academic units within the university that are staffed by university employees who are acting within the scope of their employment or volunteers with volunteer duties.
- 2.1.2. Student departmental groups are funded or supported by an administrative or academic unit within the university but are not recognized student organizations. Examples are: Student Government, cheerleaders, Campus Activities Board, Honors Student Association, Island Ambassadors, President's Ambassadors, and the student newspaper.
- 2.1.3. University-affiliated groups are entities that have a signed Affiliation Agreement with the university and exist for the primary purpose of supporting the activities of the university. Examples are: Alumni Foundation, Harte Research Support Foundation, South Texas Institute for the Arts, and Texas A&M-Corpus Christi Foundation.
- 2.1.4. Student organizations are student groups that have agreed to the guidelines established for these organizations and have been accepted by the Student Activities department for inclusion as a recognized student organization. Student Activities maintains a list of these groups. Examples are: Baptist Student Ministry, Sea Turtle Club, and Fencing Club.

2.2. Non-University Groups

Non-university groups are typically separate legal entities from the university, even those in which the membership or participation includes university personnel, alumni, or students. Non-university groups are not vendors and are not selling a product or service. The university does not have authority over these organizations' activities, nor do they exist for the singular purpose of supporting the university mission. Examples are: individuals, for-profit groups, non-profit groups including professional organizations or societies, governmental organizations, other universities, and political groups. Non-university groups who engage in sales will be classified as a vendor.

2.3 Vendors

A vendor is a company, group, or individual offering good and/or services for sale.

3. PERMITS

- 3.1. Faculty, staff, students, and university groups wishing to solicit donations or to make sales and/or rentals are required to obtain permission from the Office of the Vice President for Institutional Advancement at least ten (10) working days prior to the requested date for beginning operations via the online request form available on Institutional Advancement's website.
 - 3.1.1. Solicitation permits are limited to five (5) days in a thirty-day scheduling period to provide equal access to all organizations.
 - 3.1.2. A copy of Texas State Sales and Use Tax Permit or the Texas State Sales Tax and Use Exemption Certification must be on file with Institutional Advancement if the solicitation involves a sale of any kind.
 - 3.1.3. Permission to solicit donations or to make sales and/or rentals is not required if:
 - (a) such solicitation is done through the student newspaper or by telephone;
 - (b) students, faculty, or staff advertise personal items (i.e. "for sale" or "wanted") on general purpose bulletin boards;
 - (c) university groups selling certain selected items to its members ONLY;
 - (d) university groups advertising or promoting university events; or
 - (e) university groups who solicit philanthropic donations as part of approved university activities.
- 3.2. Student Organizations and student departmental groups wishing to solicit donations or to make sales on or off campus are required to submit required documentation to the Student Activities office as listed in the Student Organization Handbook.
- 3.3. University groups wishing to solicit donations or to make sales and/or rentals on campus are required to obtain written permission from the Vice President for Institutional Advancement prior to beginning the activity unless exempted by section 3.1.3 of this procedure. Permission normally will be granted for direct selling only when the merchandise to be sold or distributed is to the public by a university-recognized organization on the Texas A&M University-Corpus Christi campus or at an event hosted or co-hosted by a university organization. These types of sales and donation solicitations must not conflict with existing third party vendor contracts lawfully granting exclusive rights.
- 3.4. Outside groups requesting to solicit or sell on campus will first contact University Services. Requests for rental of space on campus by outside groups will first contact Community Outreach. Both offices will consult with Institutional Advancement for final permission.

- 3.5. A solicitation permit may be rejected or revoked by University Services or Community Outreach in consultation with the Office of the Vice President of Institutional Advancement.
 - 3.5.1. The permit may be rejected if at any time the sales and solicitation actions of an organization substantially disrupt the normal activities on the campus.
 - 3.5.2. Justifiable reasons for rejection or revocation also include, but are not limited to, conflict with existing contracts, failure to comply with the basic requirements as outlined, faulty merchandise, unsanitary conditions or procedures, misrepresentation, falsification of information on the permission application, interference with the educational mission of the university, interference with normal traffic flow and use, or blockage of ingress or egress.
 - 3.5.3. Further disciplinary action beyond rejection or revocation of permission to solicit donations and to make sales and/or rentals may include not permitting the person or university group to conduct future sales and/or rentals or solicit donations on campus for a specified time or recommending that students, faculty, or staff involved in an infraction be charged with a violation of university rules or procedures and therefore be subject to disciplinary action.
- 3.6. If at any time the act of soliciting donations, selling, renting, or executing transactions disrupts the normal activities on the campus, those organizations or individuals will be requested to cease their actions and, when appropriate, to leave the campus. Should they refuse to cease their actions or to leave if requested to do so, they will be informed that they are trespassing on state property. Those authorities having jurisdiction will be called upon to remove such violators or take other appropriate action.

4. COMMERCIAL SPEECH

- 4.1. Commercial speech is protected by the First Amendment. Commercial speech includes advertising, marketing, or promoting products or services. The university *cannot* limit any seller's right to advertise or promote products or services (including price information) in "traditional public forums" or "designated public forums". The university *can* regulate advertising and promotional speech in these forums that is false, misleading, or offering illegal goods or services.
- 4.2. The university *can* limit or prohibit a seller from advertising or promoting products and services in "limited public forums" and "non-public forums".
- 4.3. The university *can* limit or prohibit a seller from engaging in transactions in any forum by requiring adherence to established university rules and procedures including this procedure.

Related Statutes, Policies or Requirements

System Regulation [21.99.09, Access to System Property for Sales, Rentals and Soliciting Donations](#)

University Rule [41.01.99.C1, Use of University Facilities](#)

University Procedure [07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration](#)

Contact Office

Contact for clarification and interpretation: Vice President for Institutional Advancement
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