Commercial Solicitations & Sales On Campus Procedures

Approval Process:
The Director of Student Organizations and Leadership will review sales and solicitation requests made by student organizations and university departments. Fundraising requests made by or in conjunction with off campus organizations that wish to use campus facilities will be reviewed by both the Director of Student Activities and the Office of Space Management. As appropriate, the Director of Student Organizations and Leadership – often in consultation with the Executive Director of University Enterprises, Inc. – may limit the maximum number of vendors permitted on campus at any one time.

Implementation Procedure Timelines:
Since proper agreements and payment of fees must be in place prior to the issuance of a fundraising permit, organization representatives should initiate the process at least two weeks in advance of the intended starts dates for a commercial solicitation.

Fees:
A minimum daily fee of $300.00, payable in advance, will be required for commercial vendor access to campus through student organization representation. The minimum fee for direct commercial vendor access will be $500.00 per day, also payable in advance. A higher fee may be applicable based upon cost of goods to customers, anticipated sales volume, campus services requested, and/or the amount of space required for a specific activity. The Director of Student Organizations and Leadership must be included in all negotiations prior to final contract agreement for student organizations.

Handling of Funds:
Student organization funds will be placed on deposit through Student Organizations and Leadership in a designated campus account (no off-campus accounts are permitted). Payment should be in the form of a money order, cashier’s check, or certified check; all other means of payment must clear the presenter’s bank before the activity will be permitted to begin. Funds will be released into the designated student organization’s campus account upon completion of the commercial solicitation and required paperwork. Funds to University Enterprises Inc. will follow standard UEI accounting procedures. Funds to other University departments, including Student Organizations and Leadership, will follow University procedures.

Enforcement:
A commercial vendor who fails to comply with agreed-upon stipulations for the specified sale/solicitation will have its activity terminated and forfeit any funds previously paid. Enforcement of the policy rests with Student Organizations and Leadership and Public Safety. Student Organizations and Leadership will address any
violations committed by a student organization, campus department and vendor conducting direct contact activities.

**Time, place and manner regulations:**
Commercial sales and solicitation activities may be permitted between the hours of 9:00 AM and 4:30 PM, Monday through Friday. Commercial sales and solicitation by student organizations and other University departments shall be limited to the walkway between the Library and the University Union, and upon special consideration, the walkway area on the west side of River Front Center. Outside space contiguous to and within 50 feet of the Hornet Bookstore is reserved for commercial vendors sponsored by UEI.

**Credit card regulation:**
Commercial solicitations that include credit card applications are subject to additional regulations. [Section 1747.02 of the Civil Code, Chapter1.3; Section 99030 of Part 65 of the Education Code, relating to credit cards.] Promotions may not require applicant to be a student for participation. Educational material about credit card debt must be available with all applications. Student Activities must approve educational material in advance. Commercial solicitations offering a premium or gift as a part of the promotion may not require participation in the solicitation or sale as a condition for receiving the gift or premium and said item must be made available to any person upon request.

Each vendor must prominently display, as determined by Student Organizations and Leadership or UEI as appropriate, the terms and conditions of any sales of goods or services offered by the vendor. The display must be visible to any prospective participant.

A signed copy of the approved campus permit must be on display and visible to the public at all times during the commercial activity.

Title 5, Section 42350.1 is hereby incorporated as part of this procedure: Commercial transaction (655.1), Solicitation (655.2), Commercial Solicitation (655.23, Selling of Published Materials (Section 655.4), Handbill and Circulars (655.5) with Time, Place and Manner are incorporated herein.

**Time Place and Manner for Solicitation and Sales**

*655.1 Commercial Transaction*

(CA Administrative Code, Title 5, Section 42350.1)

1. "COMMERCIAL TRANSACTION" - selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.
2. "SALE", "SELLING" or "PURCHASING" - an activity creating an obligation to transfer property or services for a valuable consideration."
3. "Commercial transactions and the display of property or services for sale on a campus is prohibited except with written permission by the campus president (or designee). Such permission shall be
granted if the proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or the prospective buyer has agreed in writing in advance to an appointment, and the perspective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus. This section shall not apply to private sales."

4. "PRIVATE SALE" - occasional selling between persons who are campus students or employees.

A permit must be obtained in advance from the Student Organizations & Leadership Office except when it is official University business. A copy of the permit must be in the possession of the individual initiating the commercial transaction at the transaction point.

**Time:** 9:00 a.m. to 4:30 p.m.

**Manner:** See Below

**Place:** Edge of walkways adjacent to the Library Quad, Main Quad, or when approved as part of a scheduled event or activity in the space or facility scheduled for the event.

655.2 Solicitation

*(CA Administrative Code, Title 5, Section 42350.5)*

"SOLICITATION" - to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation." "Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited."

**Time:** 9:00 a.m. to 4:30 p.m.

**Manner:** See Below

**Place:** Edge of walkways adjacent to the Library Quad, Main Quad, South Green, or Science Quad. Edge of walkways adjacent to South University Union Lawn when solicitation is by group sponsoring a program in that area at the same time. Indoor facilities reserved for programs when solicitation is by the sponsor of program.

655.3 Commercial Solicitation

*(CA Administrative Code, Title 5, Section 42350.6)*

1. "COMMERCIAL SOLICITATION" - any direct and personal communication in the course of a trade or business reasonably intended to result in a sale."
2. "Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president (or designee)."

A permit must be obtained in advance from the Organizations & Leadership Office. A copy of the permit must be in the possession of the solicitor at the solicitation point.

**Time:** 9:00 a.m. to 4:30 p.m.

**Manner:** See Below

**Place:** Edge of walkways adjacent to the Library Quad, Main Quad, or Science Quad.

### 655.4 Selling of Published Materials

*(CA Administrative Code, Title 5, Section 42351)*

"Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:

1. such published materials are not available for sale at the campus bookstore, and
2. the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president, and
3. the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale, and distribution of term papers, theses and other materials to be submitted for academic credit)."

Selling or displaying for sale of published materials in violation of the above is prohibited. A copy of University policies shall be in the possession of the individual selling the material. These policies are available in the Student Organizations & Leadership Office.

**Time:** 9:00 a.m. to 4:30 p.m.

**Manner:** See Below

**Place:** Edge of walkways adjacent to the Library Quad, Main Quad, or Science Quad. As a part of a scheduled event or activity in the space or facility scheduled for the event.
655.5 Handbill & Circulars

(CA Administrative Code, Title 5, Section 42342)

1. "No person or persons shall, upon any of the grounds of any campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising. The distribution of written or printed matter shall be permitted on campus, subject to reasonable directives by the campus president as to the time, place and manner thereof. All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of written or printed matter in violation of established campus directives regarding time, place and manner is prohibited."

2. University policies specifying time, place and manner shall be in the possession of the individual or organization distributing the handbills or flyers.

3. Placing handbills or circulars in or on vehicles parked on campus is prohibited. (Per Sacramento City Code, Chapter 3, Section 3.2)

Time: 9:00 a.m. to 4:30 p.m.

Manner: See Below

Place: Edge of walkways adjacent to the Library Quad, Main Quad, South Green, or Science Quad. Information desk in University Union and Information desk in Student Services Center if the material aids achievement of educational objective of the campus.

Manner
Sale, solicitation and/or distribution of merchandise, publications or other printed matter as noted in 655.1 through 655.5 above will be permitted provided there is:

1. No interference with classes or other scheduled campus activity; no obstruction of free flow of traffic; no obstruction of free movement of individuals by standing in front of them; no harassment of persons in area; no touching of individuals without their consent; no prolonged or repeated contact with persons who have declined sale or solicitation offer; no noise louder than normal conversation; no misrepresentation of true name or purpose of material or organization. Each piece of material or literature distributed must have printed on it the name of the organization or the person responsible for the material. Selling and solicitation will be approved as part of a scheduled event or activity only when such sale or solicitation is an integral part of the educational purpose or objective of such activity.
2. Permission may be withheld as to time when areas may be overcrowded by campus activities. Occasional and necessary exceptions to this policy pertaining to time, place and manner may be granted by the Student Organizations & Leadership Office when such exceptions will not be contrary to the considered intent of this policy.

As of 11/10/08