

Sales and Solicitation Policy  
(Revised: February 3, 2009)

Purpose: To outline guidelines, procedures, and restrictions governing sales and solicitation activities on the campus of Slippery Rock University of Pennsylvania

- Objectives: The objectives of this policy are to
- A. Establish the University's commitment to protecting free speech and association rights guaranteed by the Constitution.
  - B. Distinguish between commercial and non-commercial sales and solicitation activities.
  - C. Define sales and solicitation activities that require advance notice and approval.
  - D. Specify the procedures for requesting permission to host a sale or solicitation activity on campus
  - E. Distinguish between entities affiliated with the university (on-campus departments and recognized student organizations) and entities that are not.
  - F. Distinguish between private sale and solicitation activities to individuals in offices and campus residences and public sale and solicitation activities.
  - G. Establish reasonable limits on the frequency of sale and solicitation activities.
  - H. Specify the enforcement authority for the sale and solicitation policy.

- Definitions:
- A. Office: An office is the private work area of a University employee.
  - B. Campus Residence: The private residence hall room or apartment that is the assigned living space for one or more students and is utilized for sleeping, dressing, studying, and socializing.
  - C. Campus Building: Physical facilities owned and operated by or on behalf of the University including all residence halls, classroom buildings, and administrative buildings.
  - D. Residence Hall: A University owned building that contains rooms assigned to students for sleeping, dressing, studying, and socializing and common facilities and areas used by all students assigned to that hall including study areas, storage areas, and areas utilized in common for organized educational and social functions.
  - E. Outdoor Areas: All campus walkways, lawns, patios, and other areas generally accessible to pedestrians and the general public.
  - F. Solicitation: Solicitation is the act of approaching another party with the intent of petition, request, or plead for support (monetary, personal commitment, distribution of literature, etc.).
    - a. Non-commercial solicitation does not promote or tend to promote the sale of goods or services or involve the receipt of monetary contributions or donations. Non-commercial solicitation includes, but is not limited to, distribution of informational pamphlets or leaflets and circulation of petitions.
    - b. Commercial solicitation does promote the sale of goods and services through direct request for payment, agreement to a financial contract, or other means

of commitment. Commercial solicitation also refers to any request for monetary donations or donations of other goods and services.

- G. Sales: Sales of products and services include any transaction where money is exchanged for goods and services; any attempt to organize a meeting for the purpose of a demonstration or explanation of a product or a service which is for sale; and any demonstration, explanation, or distribution of literature concerning products or services that are for sale.

Guidelines:

I. General Statement of Policy

The University encourages and supports the exercise of constitutionally protected freedoms including freedom of speech and association. All persons may exercise their rights to free expression in outdoor areas that are generally accessible to the public. Non-commercial solicitation is generally protected as an exercise of free speech. Individuals may make available and offer free literature or other materials related to their expression, request that individuals sign petitions, and engage in informational picketing and other expressive activities that do not substantially interfere with the orderly operation of the campus. Generally, no advance notice or approval is necessary to engage in expressive activities in outdoor areas except as specifically addressed in this policy.

University departments and recognized student organizations may request space in campus buildings in order to engage in non-commercial solicitation or other expressive activity. Appropriate facility reservation procedures must be followed and approval from the respective facility manager must be obtained prior to the solicitation or expressive activity.

Sales and commercial solicitation activities are generally restricted to only those activities that adhere to the specific procedures of this policy and are approved through a sales and commercial solicitation request process coordinated by the Director of the University Union. Persons or entities seeking to conduct a sale or commercial solicitation activity should contact the Director of the University Union at least a week in advance of the planned activity in order to rent or reserve appropriate facilities and obtain necessary approval.

II. Rationale

Slippery Rock University is committed to protecting the Constitutional protections to free speech. The University is also committed to insuring that the time, place, and manner of sales and commercial solicitation activities are such that they do not create a public nuisance, cause undue noise, or disrupt the activities that customarily take place on the campus.

III. Campus Departments and Recognized Student Organizations

Campus departments and recognized student organizations are permitted to reserve certain university facilities for approved activities, including the conduct of sales and commercial solicitation activities that adhere to the guidelines of this policy. When reserving university facilities, the campus department or recognized student organization

must declare the purpose for the reservation and include the approved sales and commercial solicitation request form as appropriate. A representative from the campus department or recognized student organization that receives approval for hosting a sale or commercial solicitation activity must be present and have the approval form available for inspection for the duration of the sale or commercial solicitation activity.

When a student organization or campus department requests to sponsor a sale or commercial solicitation involving an outside vendor, the organization/department must document the financial arrangement or other benefits that the organization/department will receive from the solicitation. The University recommends that such benefits amount to a minimum of 20% of the sale proceeds. If such benefits cannot be documented, the solicitation will be regarded as an Entity Not Affiliated with the University as specified in this policy.

IV. Entities Not Affiliated with the University

Individuals, organizations, or corporations that are not affiliated with Slippery Rock University may request permission to host a sale or commercial solicitation activity on the campus (this includes requests initiated by university students and employees on behalf of groups, organizations, associations, or corporations not affiliated with the University). Such requests will be considered to insure that the proposed activity is a lawful or legal activity; that the proposed sale or commercial solicitation does not infringe on university contracts for the exclusive provision of certain goods and services; that the requested activity will not create a public nuisance, cause undue noise, or disrupt activities that customarily take place on the campus; and that the requested space is available. Only certain campus buildings are available for rental by entities not affiliated with the university. When renting university facilities, the individual or organization must declare the purpose for the rental, include the approved sales and commercial solicitation request form as appropriate, and remit the appropriate rental fee, which may include a commission on the sale proceeds. The individual or representative from the organization must be present and have the approval form available for inspection for the duration of the sale or commercial solicitation activity.

V. Non-Commercial Solicitation in Outdoor Areas

The distribution of literature, informational picketing, or other solicitation that does not promote or tend to promote commercial transactions is generally permissible in outdoor areas as long as the activity does not cause undue noise or otherwise disrupt the customary activities of the campus. In order to prevent noise disturbances, individuals engaged in non-commercial solicitation in outdoor areas are prohibited from using amplified sound. Further, expressive activities may not infringe upon the rights of others by blocking ingress to or egress from campus buildings or blocking pedestrian paths.

VI. Invited Sales in Private Office or Campus Residence

A staff member assigned a private office area in any campus building may invite a person, firm, business entity, charitable organization, religious organization, or other organization to that member's assigned office area to solicit the sale of products or services with that staff member only. A student assigned to a room in a residence hall

may invite a person, firm, business entity, charitable organization, religious organization or other organization to that student's assigned room to solicit the sale of products or services with that student only. Such solicitation or sale must occur only in the assigned room of the student inviter. The sale or solicitation to others in proximity to the office or residence is prohibited. Door-to-door solicitation in campus buildings or residence halls is strictly prohibited.

VII. Restrictions on Frequency of Sales and Commercial Solicitation Activity

Requests for sales and commercial solicitation activities will be processed on a first-come, first-serve basis. Requests should be submitted at least one week in advance of the first planned activity date. The University reserves the right to limit, restrict, or refuse requests for sales and solicitation activities that duplicate previously approved activities. Further, each approved sale or commercial solicitation is limited to two (2) weeks in duration. Due to the number of requests for sale and solicitation activities, the university requests that each campus department, recognized student organization, and other entity sponsor no more than two (2) sale or solicitation activities per semester.

VIII. General Conduct of Sale and Commercial Solicitation Activities

Approval to conduct the sale or commercial solicitation activity is based upon the specific details of the activity as specified on the request form. Individuals, organizations, and other entities must adhere to the permissions and restrictions established in the approval process and must not substantially alter the nature of the activity after obtaining approval. All sale and commercial solicitation activities must be conducted to adhere to the time, place, and manner restrictions established in the approval process. Slippery Rock University reserves the right to apply additional restrictions, prohibit, or disband any activity that causes undue noise or disturbance or that interferes with the customary activities taking place on the campus.

IX. Enforcement

Any individual, organization, or other entity engaging in sale or commercial solicitation activity without prior approval may be asked to cease immediately from that activity. Entities not affiliated with the university may be escorted from campus by the University police. Appropriate disciplinary, judicial, civil, or criminal action may be enforced against students, employees, organizations, or other entities that violate this policy. Entities that violate the provisions of this policy may be denied permission to engage in further sales or commercial solicitation activities during the academic year in which those violations occur.

The University will also act to protect the rights of speakers to engage in free expression activities. Appropriate disciplinary, judicial, civil, or criminal action may be enforced against any person that threatens, harasses, assaults, becomes disorderly, or otherwise violates University standards of conduct with respect to individuals engaged in expressive activity. The University reminds all members of the community that no person is compelled to remain in a public place to listen to speech or expression that she or he finds to be offensive.

X. Summary of Key Provisions

	Non-Commercial	Commercial
Student Organization/Department	<ul style="list-style-type: none"> <li>• No advance notice or approval for outdoor areas</li> <li>• May reserve university facilities through regular reservation processes</li> </ul>	<ul style="list-style-type: none"> <li>• Must submit Sales and Commercial Solicitation Request Form and obtain approval at least one week in advance and then reserve facility through regular reservation process</li> </ul>
Individual/Corporation	<ul style="list-style-type: none"> <li>• No advance notice or approval for outdoor areas</li> <li>• May rent certain university facilities by contacting facility manager at least one week in advance.</li> </ul>	<ul style="list-style-type: none"> <li>• Must obtain approval at least one week in advance, rent designated facility, and remit fee, including possible commission on sale proceeds</li> </ul>