

Fairmont State University
Board of Governors
Policy No. 62
Campus Solicitation
Effective Date: April 20, 2017

PURPOSE

The purpose of this procedure is to establish a protocol regulating solicitation on the campus of Fairmont State University in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

As part of this policy, the policy is entitled to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the West Virginia Constitution. Free speech is central to the university's academic mission and it encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. The purpose and intent of this regulation is to place reasonable limitations on solicitation activities occurring on University property so that the university may fulfill its primary missions of teaching, researching, and extension. This policy provides the applicable rules and procedures for any form of solicitation on campus.

2. DEFINITIONS

2.1 "Charitable Contribution" means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

2.2. "Charitable organization" means a person who is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, religious or eleemosynary organization, or any person who solicits or obtains contributions solicited from the public for charitable purposes, or any person who in any manner employs any appeal for contributions which may be reasonably interpreted to suggest that any part of these contributions will be used for charitable purposes. A chapter, branch, area, office or similar affiliate or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state is a charitable organization for the purposes of this article."

2.3 “Commercial Solicitation” means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.4 “Distribution” means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

2.5 “Non-Commercial Solicitation” means any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the University.

2.6 “Non-University Groups” means a group of individuals, other than Student or University Groups that are legally separate entities from the University, even though some of the members or participants may be University personnel, alumni, or students.

2.7 “Student” means any person from the time he or she accepts admission to University up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by the University.

2.8 “Student Group” means a group of students who have satisfied the university’s procedures and requirements for registration or recognition.

2.9 “University Group” means an administrative or academic unit, department or center within the University.

3. General Procedures

3.1 When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. The University does not impose restrictions on any forms of solicitation because of the content or viewpoint of the expression or the possible reaction to that expression. In addition, the university does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-University Groups or individuals.

3.2 Groups and individuals can reserve space in advance by contacting Falcon Center for the Falcon Center and campus outdoor space, or the administrator responsible for scheduling the use of the university facility where the solicitation is to take place. The number of groups and

individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Director, of Falcon Center, or his/her designee, giving due consideration to the provisions of section 3.4 below.

3.3 Except for University-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at University-sponsored or hosted events held at Falcon Center and/or the parking lots surrounding this facility.

3.4 The following apply to all forms of solicitation activities:

3.4.1 Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.

3.4.2 Groups and individuals may not block or otherwise interfere with ingress and egress into and out of University buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancelation of any University-sponsored event or activity, or by users authorized to use University facilities.

3.4.4 Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

3.4.5 Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential University processes shall not be disrupted.

3.4.6 The use of public address systems or amplified sound will not be allowed without prior approval from Falcon Center.

3.4.7 The safety of members of the campus community, collectively and individually, must be protected at all times.

3.4.8 Solicitation activities shall not damage University property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable University policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

3.4.10 Groups and individuals shall comply with the directions of University officials when enforcing these provisions.

3.5 Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. University and Student Groups, and Students who sponsor non-university participants may be held accountable for such participant's compliance with this regulation. In addition, since non-university individuals or groups are not subject to the University's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

4. PRIORITY FOR USE

4.1 The use of space for solicitation shall be reserved according to the following priorities:

4.1.1 Consistent with the University's mission, academic classes, research, and extension activities, will have the highest priority for the use of space.

4.1.2 University groups uses for activities other than academic classes, research and extension activities, will have next highest priority in the use of space.

4.1.3 Student Groups, students, sponsored Non-University Groups, and individuals will have the next highest priority.

4.1.4 Un-sponsored Non-University Groups and individuals will have the lowest priority.

4.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

5. PROCEDURES FOR NON-COMMERCIAL SOLICITATION

5.1 University and Student Groups, Students, and Sponsored Participants

5.1.1 University and Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of campus and the common areas of the University, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the University or Student Group or the student sponsoring the Non-University groups or individuals must be present at all times with these participants while conducting such activity.

5.1.2 Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the university to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt the university's educational activities and essential processes.

5.2 Unsponsored Non-University Groups and Individuals

Non-university groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Reservations will be approved on a space-available basis.

5.3 Procedures Specific to University Housing

University and Student Groups, Students, and Non-University Groups and individuals may engage in noncommercial solicitation in University Housing facilities upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired University Housing facility by contacting University Housing at least 48 hours in advance of the activity. Students who reside in Housing do not have to reserve space for non-commercial solicitation for the University Housing facility in which they reside.

5.3.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the University Housing environment.

5.3.3 Students who reside in University Housing may engage in door-to-door non-commercial solicitation in the University Housing facility in which they reside, consistent with normal community interactions. The following organizations may be permitted to engage in scheduled and pre-approved door to door canvassing of residence halls: Student representatives of SGA and student candidates for office in SGA. Representatives of the above groups must follow established procedures for scheduling access to halls and apartment buildings, and checking in with building staff. For inquiries about scheduling access for canvassing in the residence halls, please contact the Housing Office at 304-367-4216.

5.3.4 Bulletin boards in University Housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint neutral rules issues by University Housing.

6. PROCEDURES FOR COMMERCIAL SOLICITATION

6.1 University and Student Groups, and Students may conduct commercial solicitation on University premises subject to the conditions below. Non-University Groups and individuals, are prohibited from engaging in commercial solicitation unless sponsored by a University or , Student Group, or Student.

6.2 All commercial solicitation must be conducted under the following conditions:

6.2.1 Students and members of the University or Student Group must conduct all commercial solicitation on behalf of the sponsored Non-University Groups and individuals. However, this provision shall not prohibit a University Group from contracting with Non-University Groups to conduct commercial solicitation on University premises, so long as the contract is signed by a University employee with proper signatory authority.

6.2.2 Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve outdoor space by contacting Falcon Center or a University facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

6.2.3 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards.

6.3 Procedures Specific to University Housing

6.3.1 Non-University Groups or individuals may not conduct commercial solicitation in University Housing.

6.4 Residents of University Housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sale purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their University employment.

6.5 Nothing in this section shall prevent a student from inviting anyone into his or her residence hall living quarters for the purposes of that student considering or pursuing the invitee's goods or services.

6.6 Bulletin boards in University Housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by University Housing.

7. PROCEDURES FOR SOLICITATION OF CHARITABLE CONTRIBUTIONS

7.1 University Groups, Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct solicitations of charitable contributions. However, a member of the University or Student Group or the student sponsoring the Non-University Group or individuals must be present at all times with these participants while conducting such activity. Unsponsored Non-University Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.2 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting Falcon Center or a University facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

7.3 If the solicitation is to be conducted in a University facility the group may be required to sign a Facility Use Agreement.

7.4 Food given away in connection with solicitation may not be prepared at the place of distribution, and must comply with all applicable health code standards. Goods and services offered for sale must comply with applicable State and Federal health and safety laws and regulations.

8. EXCLUSIONS

8.1 Nothing in this regulation shall be deemed to affect the activities of University Groups whose official activities include selling or promoting the sale of goods or services or taking surveys.

8.2 Nothing in this regulation shall prohibit the University from barring solicitation on University property that are non-public forums. These areas are not traditionally open to the public for speech, such as libraries, office space, residence halls, laboratories, and classrooms, which may be limited to University uses.