

21.99.09.H1.01 Access to University Property for Sales or Solicitation



Approved: March 20, 2023
Revised: February 2, 2024
Next Scheduled Review: February 2029

Procedure Summary

The President of Texas A&M University – Texarkana has delegated the authority to approve all sales and solicitations on campus (excluding student organizations, University auxiliaries and contracted vendors) to the Office of University Advancement. This Procedure outlines how sales and solicitations may or be conducted on campus and by whom and where while protecting free speech as protected by the First Amendment.

Procedures and Responsibilities

1. General

- 1.1. Student organizations must make an event request with and receive approval from the Office of Student Life. Student Life will process event requests from student organizations in accordance with the Guidelines for Registered Student Organizations.
- 1.2. All organizations, vendors or solicitors using electronic means to collect payment or donations must do so independently from any A&M – Texarkana land- or wifi network, i.e. via cell phone connection.
- 1.3. No permit is required for
 - 1.3.1. Students, faculty or staff advertising personal items (i.e. ‘for sale’ or ‘wanted to buy’) on bulletin boards designated for that purpose
 - 1.3.2. A recognized student or University organization (including residence halls) selling certain selected items exclusively to its members
 - 1.3.3. A recognized student or University office, department or organization advertising or promoting university events
- 1.4. Student Organizations who solicit philanthropic donations or fundraise on behalf of a 3rd party nonprofit organization as part of their organization’s activity must make an event request and receive approval from the Office of Student Life.
- 1.5. University Organizations or employees who solicit philanthropic donations or fundraise on behalf of a 3rd party nonprofit organization or serve as a liaison with a third party organization wishing to seek philanthropic donations on campus, shall request approval

to do so through the Office of University Advancement prior to commencing the campaign.

2. Rejection or Revocation of Events

- 2.1. A solicitation event request may be rejected or revoked if at any time the act of soliciting donations, selling, renting, or executing transactions disrupts the normal activities on the campus.
- 2.2. Justifiable reasons for event rejection or revocation may include, but are not limited to, failure to comply with the basic requirements as outlined in this Procedure; faulty merchandise; complaints from or inconvenience to other members of A&M - Texarkana; soliciting donations, selling, renting or executing transactions outside of authorized areas; unsanitary conditions or procedures; misrepresentation or falsification of information on the event request; interference with the educational mission of A&M - Texarkana; interference with normal traffic flow; and use or blocking ingress or egress.
- 2.3. Further disciplinary action may include not permitting the student or A&M - Texarkana organization/entity to conduct activities on campus for a specified time or recommending that student(s), faculty, or staff involved in an infraction be charged with a violation of A&M - Texarkana procedures with resultant disciplinary action.
- 2.4. If at any time the act of soliciting donations, selling, renting, or executing transactions disrupts the normal activities on the campus, the organization or individual(s) will be requested to cease their actions and, when appropriate, to leave the campus. Should the organization or individual(s) refuse to cease their actions or to leave the campus, if requested to do so, they will be informed that they are trespassing on State property and are subject to removal or other appropriate action as determined by UPD.
- 2.5. Any act of solicitation that conflicts with existing contractual relationships held by the University shall be rejected or revoked.

3. Unaffiliated Third-Party

Permission will not be granted to unaffiliated third-parties for purpose of sales or other for-profit financial transactions. If an unaffiliated third-party seeks to make sales on campus, it should follow the process for contract vendors with the Office of Contract Administration.

4. Commercial Speech

- 4.1. Commercial speech is protected by the First Amendment. Commercial speech includes advertising 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 forms" (see Texas A&M University – Texarkana Student Code of Conduct). 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 such as those outlined in this procedure.

Related Statutes, Policies, or Requirements

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

[University Rule 07.03.01.H1, Political Campaign Events and Partisan Political Activities on University Property](#)

Definitions

Limited Public Forum – an area that has limited open access for public expression, or they may be limited to particular groups or to particular topics.

Non-public Forum – areas that are not, by tradition or designation, forums for public communication. These areas will be restricted to use for their intended purposes 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, libraries, research and computer laboratories and research facilities.

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 considerations.

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

Traditional Public Forum – a place widely recognized in law which has been intended for use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by the expressive activity. Examples include public streets, sidewalks, plazas, and lawns.

Contact Office

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Office of University Advancement

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