

1. Title

Solicitation

2. Rule and Regulation

Sec. 1 Prohibition of Solicitation. No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by the U. T. System Administration or any of the institutions unless permitted by Section 2 of this Rule.

Sec. 2 Exceptions to Prohibition. The following activities shall not be deemed Solicitations prohibited by this Rule when conducted in accordance with the approved rules and regulations of the U. T. System Administration or any of the institutions. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of the U. T. System Administration or any of the institutions or any program or activity that is conducted by or is authorized by the U. T. System Administration or any of the institutions; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities; does not harass, or intimidate the person or persons being solicited; and does not violate applicable State, federal, or local laws or regulations:

2.1 Expressive Activities. Engaging in expressive activities, as defined by *Texas Education Code* [Section 51.9315\(2\)](#), in a common outdoor area of a campus.

2.2 Newspapers and Magazines. The distribution, sale, or offer for sale of a newspaper, magazine, or other publication by means of an unattended rack or vending machine in area(s) designated in advance by the Chancellor of the U. T. System or the president of an institution or their delegates for the direction of such activity.

2.3 Food and Drink. The sale or offer for sale of food, drink, or any other product that may be lawfully sold by means of a vending machine that is operated by the U. T. System or a subcontractor, under an approved written agreement, in an area designated in advance by the

Chancellor of the U. T. System or the president of an institution or their delegates.

- 2.4 Publications. The sale or offer for sale by the U. T. System or a subcontractor, under an approved written agreement, of any publication of the U. T. System Administration or any of the institutions or of any book or other printed material to be used in the regular academic work of an institution.
- 2.5 Services. Any offering of services and related products by a third party or by U. T. System Administration and/or one or more of the institutions on behalf of a third party (a "Third Party Service Offering") established and maintained primarily for the convenience of students, faculty, staff, or patients. Such Third Party Service Offering must be established and maintained pursuant to a written agreement between the third party and the affected U. T. System entity or entities and such written agreement:
- (a) clearly sets for the nature and scope of the Solicitation activities that the third party is permitted to undertake on U. T. System property and is construed to prohibit any Solicitation activities not specifically enumerated in such written agreement;
 - (b) is of specified duration with defined renewal procedures and periods; and
 - (c) includes appropriate provisions to protect the privacy of students, faculty, staff, and patients and requires compliance with the first paragraph of Section 2.

A president who has exercised delegated authority to authorize a Third Party Service Offering that allows campus credit card marketing activities shall comply with all requirements of [Chapter 761 of the Texas Business and Commerce Code](#) and shall assure that a session on credit card and debt education, as well as protecting personal information from identity theft, is included in all orientation programs for new students.

- 2.6 Sale of Items at Events. The sale or offer for sale by the U. T. System Administration or any of the institutions or a subcontractor, under an approved written agreement, of food, drink, souvenirs, novelty items, and programs at athletic contests or other programs or events sponsored or authorized by the U. T. System Administration or any of the institutions.
- 2.7 Collections and Sales by University Organizations. The collection of contributions or the sale of merchandise, publications, food, or nonalcoholic beverages by the students' association or by a registered student, faculty, or staff organization. A students' association or a registered student, faculty, or staff organization may not conduct such Solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student, faculty, or staff organization or that is not otherwise qualified under the criteria of Section 2.10 below to conduct Solicitation. In the case of specific drives for disaster relief, the chief student affairs officer of the institution may approve a drive that complies with all other requirements of the first paragraph of Section 2. Texas law allows a registered student organization to be relieved from State sales tax liability in certain circumstances detailed in the [Texas Tax Code](#). All proposed sales events are subject to applicable provisions of these *Rules* and to other institutional policies concerning the time, place, and manner of Solicitation. The items offered for sale may not be items that the organization has obtained on consignment.
- 2.8 Collections of Fees or Dues. The collection of membership fees or dues by registered student, faculty, or staff organizations at meetings of such organizations scheduled in accordance with the facilities use regulations of any institution.
- 2.9 Admission Fees. The collection of admission fees for the exhibition of movies or for other programs that are sponsored or presented by the U. T. System Administration or any of the institutions or, if permitted by and scheduled in accordance with the approved rules and regulations of the institution, by the students'

association or by a registered student, faculty, or staff organization.

- 2.10 501(c)(3) Organizations. Solicitation of funds by any organization that can present to the Chancellor of the U. T. System or the president of the institution, or their delegates, written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under *Internal Revenue Code Section 501(c)(3)*. Such Solicitation must be conducted in an area(s) designated for that purpose by the chief administrative officer or his or her delegate. Persons soliciting on behalf of an organization must have credentials identifying them as authorized agents of the organization. Permission to solicit shall not be used by the organization as an endorsement by the U. T. System Administration or any of the institutions. No organization may solicit under this subdivision for more than a total of 14 days, whether continuous or intermittent, during each State fiscal year.
- 2.11 Goods and Services for Residence Halls. Occasional sales or offers of sales of goods or services that comply with applicable federal, State, and local laws and regulations and are conducted solely for the resident(s) of an individual university residence hall room or an individual apartment when a resident of such room or apartment has given specific invitation in advance for salespersons to come to the individual residence hall room or individual apartment for that purpose. This exception does not authorize sales or offers of sales of goods or services within a university residence hall room or apartment by the occupant, door-to-door sales or offers of sales of goods or services, or sales or offers of sales of goods or services to persons who are present in an individual residence hall room or apartment but are not residents of such room or apartment.
- 2.12 Event Sponsors. Under the terms of an approved written agreement, the acknowledgement of a sponsor of an intercollegiate athletics department or athletic event of an institution may be displayed on the official web page of such athletics department and, at the option of the sponsor, a textual hypertext link and/or a graphic hypertext link to the Web page of the sponsor may also

be displayed. Such agreement may also provide for an acknowledgement of the sponsor to be announced over a public address system, displayed on a scoreboard or electronic message center, or displayed by other means at locations designated for that purpose in athletic facilities pursuant to an approved policy of the institution. The content of such acknowledgement and any use of the name, logos, symbols, or marks of an institution by the sponsor must be according to established formats approved by the Trademark Licensing Director or, if nonstandard, have the prior written approval of the Trademark Licensing Director. See also [The University of Texas Systemwide Policy UTS 122, Guidelines for Web Site Solicitations](#).

- 2.13 Electronic Message Centers. Advertising displayed on an outdoor electronic marquee or message center owned and operated by the U. T. System Administration or any of the institutions.
- 2.14 Athletic Tournaments. Advertising and merchandise displayed at an athletic tournament that is sanctioned by the official national or international organization for such athletic competitions, provided that, such advertising and merchandise is required to be displayed under the terms of one or more contractual agreements between such organization and one or more sponsors and such contracts were in effect prior to the date that an institution was selected as the site for the tournament.
- 2.15 Raffle Tickets. The sale or offer for sale by a registered student organization of charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the provisions of *Texas Occupations Code Section 2002.001 et seq.*
- 2.16 Computer Hardware and Software. The display and demonstration by manufacturers and distributors of personal computer hardware and software suitable for use by students and faculty in the academic programs of an institution and the presentation of information and demonstrations related to remote networks for personal computers by entities that provide access to such networks. Such activities may be conducted once each academic year upon invitation by the president of the

institution or his or her delegate and must be limited to the time and place designated by and under guidelines specified and controlled by the institution. A manufacturer or distributor of personal computer hardware or software or an entity that provides access to remote networks for personal computers may not make sales or take orders.

- 2.17 **Benefit Plan Information.** The distribution or presentation to officers and employees of the U. T. System Administration or any of the institutions of material related to health benefit plans, life insurance, tax sheltered annuities, retirement plans or programs, or other benefits that are available to such officers and employees through employee benefit plans or programs offered by or approved by the U. T. System Administration or any of the institutions. Such material may be distributed or presented only at the Office of Human Resources of the U. T. System Administration or any of the institutions, at the benefits office of a health profession practice plan of a health institution, or at meetings scheduled for that purpose pursuant to guidelines established by the U. T. System Office of Human Resources. Those companies that are currently authorized Optional Retirement Program vendors may, at the invitation of the U. T. System Administration or any of the institutions, be permitted to engage in on-campus group seminars for the purpose of providing education, product marketing, and participant enrollment, subject to such rules and limitations as the U. T. System may deem necessary and appropriate. Currently authorized Optional Retirement Program vendors may advertise such on-campus meetings throughout the institution, subject to prior approval by the institution. The term "currently authorized Optional Retirement Program vendor" means a company that has a current contractual agreement with the U. T. System to provide Optional Retirement Program products to officers and employees of the U. T. System Administration or any of the institutions but does not include those companies with grandfathered Optional Retirement Program participation or vendors of Tax Sheltered Annuity products or services.
- 2.18 **Employee Discount Programs.** The distribution or presentation to employees of the U. T. System Administration and any of the institutions of material

related to products and services offered by companies that provide employee discount programs, merchandise membership programs, credit union and banking programs, or other benefits that are available to such officers and employees through discount plans or programs approved by the U. T. System Administration or any of the institutions. Such material may be distributed or presented by the Office of Human Resources of the U. T. System Administration or any of the institutions, with the approval of the institution's president, and placed on institution web pages for the purpose of providing education, product and service information, and participant enrollment, in accordance with guidelines promulgated by the Executive Vice Chancellor for Business Affairs.

- 2.19 Employees. Solicitation by the officers or employees of the U. T. System Administration or any of the institutions acting in the course and scope of their authority.
- 2.20 Printed Material from U. T. Organizations. Subject to the institution's reasonable and nondiscriminatory rules concerning the time, place, and manner of distribution, sale, or display of material, the distribution, sale, or display by a students' association or a registered student, faculty, or staff organization of printed material (including any newspaper, magazine, or other publication, any leaflet, flyer, or other informal matter or any sign, banner, or exhibit), or the distribution or display of such material, at no cost, by individual students, faculty, or staff, or oral statements by students, faculty, staff, or their associations or registered organizations. A publication within this rule may contain paid advertising, but only if the publication is devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the advertising. Printed material and oral statements under this rule may also contain advertising for academic or administrative units of the U. T. System Administration or any of the institutions, for registered student, faculty, or staff organizations, or for organizations that are not operated for profit. This rule does not authorize any form of advertising except as provided in the preceding two sentences. This rule does not authorize distribution, sale, or display of any publication operated for profit. An organization or

publication is operated for profit if any part of the net earnings of its operation or distribution inures to the benefit of any private shareholder or individual.

2.21 Commonly Used Services.

- (a) Designation. The display and distribution of printed material from tables or booths by providers of services that are commonly utilized by students, faculty, and staff of the U. T. System Administration or any of the institutions, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies. The Board delegates to the Chancellor or president the authority to designate no more than two one-day periods each academic year for the activities authorized under this provision and will determine their time and place as well as the number of providers who participate. The activities of a provider must be conducted in compliance with State law, Section 1 above, and other U. T. System Administration or institutional guidelines. A provider may not make sales of or take orders for services. The U. T. System Administration or any of the institutions shall charge an appropriate fee for the privilege of conducting such activities. Any provider who violates State law, the Regents' *Rules and Regulations*, or the applicable guidelines of the institution in the course of activities permitted under this provision, shall not be permitted to participate in such activities for a period of one (1) year from the date of the violation.
- (b) Restrictions on Credit Card Marketing. An individual who has exercised delegated authority under (a) above to allow campus credit card marketing activities shall comply with all requirements of [Chapter 761 of the Texas Business and Commerce Code](#) and shall assure that a session on credit card and debt education, as well as protecting personal information from identity theft, is included in all orientation programs for new students.

2.22 Athletic Events, Professional Entertainment Touring Events, or Cultural or Historical Festivals or Exhibitions.

(a) Designation. A president may designate a reasonable number of areas in a reasonable proximity to the exterior of a facility used for intercollegiate athletic events, professional entertainment touring events, or occasional cultural or historical festivals or exhibitions, and may authorize such areas to be used for the display of motor-propelled vehicles and for the location of booths, tables, or kiosks to be used for the display of merchandise, the distribution of free samples of merchandise, and the display and distribution of printed material related to merchandise, products, or services. Such activities may be authorized only on the day before and the day or days of an intercollegiate athletic event, a professional entertainment touring event, a cultural or historical festival or exhibition, or an event that is related to athletics that takes place in the facility. The president may designate a reasonable number of areas inside a facility to be used for intercollegiate athletic events, professional entertainment touring events, or cultural or historical festivals or exhibitions for such activities if the safety officer of the institution approves the designation and use of the area. All persons engaged in or associated with such displays and distributions must conduct those activities in compliance with State law, the Regents' *Rules and Regulations*, and with other guidelines specified by the institution. Such persons may not make sales of or take orders for such vehicles, merchandise, products, or services. The institution shall charge an appropriate fee for the privilege of using such areas. Persons or entities that violate State law, the Regents' *Rules and Regulations*, or the applicable guidelines of the institution while using designated areas under this provision shall not be permitted to engage in activities under this provision for a period of one (1) year from the date of the violation.

(b) Restrictions on Credit Card Marketing. An individual who has exercised delegated authority under (a) above to allow campus credit card marketing activities

shall comply with all requirements of [Chapter 761 of the Texas Business and Commerce Code](#) and shall assure that a session on credit card and debt education, as well as protecting personal information from identity theft, is included in all orientation programs for new students.

2.23 Elections. In the course of an election process held pursuant to the approved constitution, bylaws, or election code of the faculty governance organization or of the student government organization of an institution or an election held pursuant to the approved rules, regulations, or policies of an institution, requests may be made to support or to vote for or against a qualified candidate for an office or position to be filled at such election or to support or to vote for or against a proposition to be decided at such election. Such request may be made only by the candidates for an office or position; by a registered student, faculty, or staff organization and its members; or by a student, faculty member, or staff member. Individuals and organizations making such requests must conduct all activities in compliance with the approved time, place, and manner regulations of the institution and the provisions of the constitution, bylaws, election code, rules, regulations, or policies authorizing the election. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform services for an institution.

2.24 Support of a Candidate or Proposition.

(a) By institution students, faculty, or staff or registered organization. The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, State, or local laws when such request is made by a registered student, faculty, or staff organization, or by a student, faculty member, or staff member. Persons or organizations must conduct such activities in compliance with the first paragraph of Section 2; the time, place, and manner regulations of the institution; and the provisions of federal, State, or local laws governing such election. Persons or organizations may not use

any equipment, supplies, or services of an institution. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform duties for an institution. No registered student, faculty, or staff organization that receives State funds from any source may engage in such activities.

- (b) By non-institution persons or organizations. The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, State, or local laws when such request is made by a non-institution person or organization when the polls are open for voting during the early voting period or voting period in which an institution building is being used as a polling place. Persons or organizations must conduct such activities in compliance with the first paragraph of Section 2; the time, place, and manner regulations of the institution; and the provisions of federal, State, or local laws governing such election, including *Texas Election Code* [Sections 61.003](#), [85.001](#), and [85.036](#).

2.25 Web Page Link. The placement on an institution web page (as defined below) of textual and graphic information and a hypertext link to the web site of a person or commercial entity for which the U. T. System Administration or any of the institutions may receive revenue or avoid costs as a result of the permitted Solicitation ("Web Site Solicitation"). Web Site Solicitations must be placed on institution web pages in accordance with guidelines promulgated by the Executive Vice Chancellor for Business Affairs. An institution web page is a page created or maintained by or on behalf of an institution or an office, department, or division of an institution, and located within an institution's information technology environment.

2.26 Roommate Advertisements. Subject to the institution's reasonable and nondiscriminatory rules concerning time, place, and manner of posting, students, faculty, and staff may post advertisements for roommates, subleases, and

sales of used goods that the seller has personally owned and used.

2.27 Bicycle Share Programs. Subject to the institutions' reasonable and nondiscriminatory rules concerning time, place, and manner of posting, advertising displayed on bicycles and on and around kiosks participating in bicycle share programs approved by the institution.

Sec. 3 Impermissible Solicitation. All permissible Solicitation must be conducted in compliance with the first paragraph of Section 2 and the time, place, and manner regulations of the institution. If, after reasonable investigation, it is determined that impermissible Solicitation is being or has been conducted or that permissible Solicitation is being or has been conducted in violation of the Regents' *Rules and Regulations* or the approved rules and regulations of the institution (1) a student, a faculty member, or a staff member will be subject to such disciplinary penalty as may be appropriate, and (2) a students' association or a registered student, faculty, or staff organization shall be prohibited from Solicitation for such period or periods of time as may be appropriate. In the case of repeated violations, the registered status of the organization may be cancelled or other appropriate penalties may be imposed. Any penalty or penalties must be imposed pursuant to the due process procedures of applicable Regents' *Rules and Regulations* or approved policies and guidelines of the U. T. System Administration or any of the institutions.

Sec. 4 Disclosure of Solicitation. A students' association and each registered student organization shall, within 30 days after the beginning of each long session semester, file with the Dean of Students or other appropriate official a statement fully disclosing the sources and amounts of money obtained from Solicitations during the preceding semester or summer session and fully disclosing the purposes and amounts of the expenditures made during the preceding semester or summer session. Any organization failing to comply with the provisions of this Rule shall be prohibited from Solicitation activities until the organization files the required report.

3. Definitions

Solicitation – means the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for

immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.

4. Relevant Federal and State Statutes

Texas Government Code [Section 572.060](#) – Solicitation of or Recommendations regarding Contributions to Charitable Organizations and Governmental Entities

Texas Occupations Code [Section 2002.001 et seq.](#) – Charitable Raffles

[Chapter 761 of the Texas Business and Commerce Code](#) - Credit Card Marketing at Postsecondary Educational Institutions

Texas Election Code [Section 61.003](#) – Electioneering and Loitering Near Polling Place

Texas Election Code [Section 85.001](#) – Early Voting Period

Texas Election Code [Section 85.036](#) – Electioneering

[Texas Tax Code](#)

5. Relevant System Policies, Procedures, and Forms

The University of Texas Systemwide Policy [UTS 122, Guidelines for Web Site Solicitations](#)

The University of Texas Systemwide Policy [UTS 141, Employee Discount Programs](#)

6. Who Should Know

Faculty
Staff
Students
Police Officers

7. System Administration Office(s) Responsible for Rule

Office of Academic Affairs
Office of Health Affairs
Office of General Counsel

8. Dates Approved or Amended

Editorial amendments made August 29, 2019
Editorial amendment to Number 5 made February 27, 2018
August 24, 2017
Editorial amendments to Sec. 2.16 and 2.17 made March 7, 2017
Editorial amendments made April 1, 2015
Editorial amendments to Sec. 2.16 and 2.17 made June 7, 2013
Editorial amendments to Sec. 2.4(c), 2.20(b), and 2.21(b) made August 31, 2010
May 15, 2008
Editorial amendment to Section 2.4 made April 23, 2008
November 9, 2007
May 12, 2005
December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu