

**FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES**



**NOTICE OF PROPOSED AMENDED REGULATION**

**DATE:** August 12, 2013

**REGULATION CHAPTER NO.:** Chapter 3

**REGULATION CHAPTER TITLE:** Administration

**REGULATION TITLE AND NUMBER:** Commercial Solicitation 6 3.011

**SUMMARY OF REGULATION:** The amendment clarifies the current requirements for Solicitors to engage in solicitation activities on the campus and removes outdated language that is no longer applicable.

**AUTHORITY FOR REGULATION:** Article IX, Section 7(c), Florida Constitution, BOG Regulation 1.001.

**UNIVERSITY OFFICIAL INITIATING THIS REGULATION:** Mr. Joseph Bakker, Interim CFO & Vice President of Administrative and Financial Services.

**PROCEDURE FOR COMMENTS:** Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Mr. Joseph Bakker, Interim CFO & Vice President of Administrative and Financial Services, 304 Foote-Hilyer, Tallahassee, Florida 32307, (850) 599-3211 (phone), (850) 599-3848 (fax), joseph.bakker@famuedu.

**FULL TEXT OF THE PROPOSED REGULATION:** The full text of the proposed emergency regulation follows:

**Regulation of  
Florida A&M University**



**3.011 Commercial Solicitation.**

(1) The regulation of commercial activity on the campus is necessary in order to preserve the educational mission of the University, to prevent unnecessary disruption to classes, study periods and administrative functions, to provide for the safety of University students, faculty, and staff members, and to protect the property of students, faculty, staff, and the University. Solicitors are prohibited from entering the campus to conduct solicitation activities except as set forth in this Regulation.

(2) All soliciting done on the University premises University of Florida A&M University (University) must be approved in writing, annually, annually, in advance, by the Director of Administrative Business and Auxiliary Services, except for the sale of newspapers in the dormitories or housing areas and certain the sale of newspapers in the dormitories or housing areas, and certain advertisement of activities sponsored by certified student organizations and Set Fridays Market Days that are approved by the Office of Student Activities (OSA), and those activities under contracts allowing solicitation or under the exclusive jurisdiction of other University entities.

**Comment [ST1]:** Does this occur? How so?

(3) Definitions

(a) Campus is defined to include all properties and facilities under the guidance, supervision, regulation, or control of the University or any of its direct support organizations.

(b) Solicitation is defined to be any act or event conducted for the purpose of financial or commercial gain to the vendor, individual(s), or organization(s). For purposes of this regulation, solicitation includes:

i. The sale, lease, rental, or offer of sale, lease, rental, or distribution of any property, product, merchandise, publication, or service whether for immediate or future delivery;

or

ii. The distribution or display of printed material, merchandise, or products that are

designed to publicize, advertise, or encourage the purchase, use, or rental of any property, product, merchandise, publication, or service.

(c) Solicitor is defined to be any person, individual, vendor, or business that engages or wishes to engage in solicitation.

(d) University entities are defined as officially constituted colleges, schools, divisions, departments, agencies, and other corporate organizational units which are a part of or operate on behalf of the University, including but not limited to, direct support organizations, foundations, and alumni organizations officially recognized by the University, and student organizations, other societies, fraternities, and sororities officially certified by the University.

(4) All approved solicitation must be appropriate for the University community, benefit the students, faculty, and staff, and be conducted in a manner that will not:

(a) Obstruct vehicular, bicycle, pedestrian, or other traffic;

(b) Obstruct entrances or exits to buildings or driveways, or impede entry to or exit from any building or parking lot or vehicular path;

(c) Interfere with the educational or administrative activities inside or outside any building;

(d) Violate a law, ordinance, regulation, policy, or procedure;

(e) Interfere with or disrupt normal University operations;

(f) Damage University property, including grass, shrubs, trees, or other landscaping;

(g) Harass, embarrass, or intimidate the person or persons being solicited; or

(h) Violate an existing University exclusivity obligation or contract.

(25) University Solicitorsø Permit.

(a) All solicitors must have a University Solicitorsø Permit, except those exempted in subsection (2). ~~and students representing student organizations.~~

(b) All applicants for permits must furnish verifiable personal, and company or organization identification for all persons who will be representing their company or organization in the soliciting activity.

(c) ~~The~~ University Solicitorsø Permit shall contain, but not be limited to, the following

information:

1. Name of company or organization;
2. Name(s) of individual or individuals who will solicit for the company or organization on campus;
3. Type or nature of items or services to be offered for sale, lease, use, or rental;
4. Specific parking locations on campus where permit is valid, e.g., all of the campus or specific areas of campus;
5. Dates of issue and expiration of Permit.

(d) Copies of the University Solicitors' Permit are to be in the possession of the individual or individuals who are engaged in the activity while on campus. The original permit will be kept on file in the Director of ~~Administrative~~ Administrative-Business and Auxiliary Services Office. Solicitors must adhere to all ~~u~~University policies concerning contacts with faculty, staff, and students during instructional or working hours, and admittance to classroom buildings, dormitories, offices and other ~~u~~University buildings.

(63) Obtaining Permits. Permits are to be obtained from the Director of ~~Administrative~~ Business and Auxiliary Services. A charge of one hundred ~~fifty dollars~~ (~~\$100~~\$150) per ~~request~~ year shall be imposed uniformly upon all vendors granted a permit pursuant to this ~~rule~~ Regulation. Permits, which are valid only for the time, location, and solicitation approved as reflected therein ~~in the parking areas so indicated,~~ shall be issued for one-year periods from date of issue. The issuance of the permits shall be governed solely by the benefits to be gained by the University Community. No items shall be sold, offered for sale or advertised by vendors that not covered by the permit or are in competition with the University Bookstore, Food Dining Services or any other operation or organization that has exclusive rights to sell such items, via a contractual agreement with the University. ~~in the parking areas so indicated, shall be issued for one year periods from date of issue~~ The issuance of the permits shall be governed solely by the benefits to be gained by the University Community. ~~Solicitation~~ No items shall be sold, offered for sale or advertised by vendors that are not covered by the permit or are in competition with the University Bookstore, Food Dining Services or any other operation or organization that has exclusive rights to sell such items, via a contractual

~~agreement with the University.~~ shall be limited to ~~those~~ these services or items included in the Permit Application. Copies of the permit are to be carried by each individual whose name appears on the permit and are engaged in the activity, and will be presented to any University official upon request. Any issued permit is subject to cancellation at any time if it is deemed in the best interests of the University to do so. In the event a permit is cancelled, all copies of the permit are to be surrendered to the Director of ~~Administrative~~ Business and Auxiliary Services, and soliciting by the permit holder will cease.

~~(744)~~ Student Organizations. In recognition of the rights and freedom of student organizations at Florida A&M University, approved student groups are permitted to solicit for support, or sell and distribute items as a project of that organization within the limits and guidelines of ~~the University and OSA~~ subsections 6C3 2.009(10), (11), F.A.C.

~~subsections 6C3 2.009(10), (11), F.A.C.~~

~~(855)~~ ~~The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University. The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University. The University is not responsible for any loss, theft, or damage to a solicitor's equipment or goods. Solicitors are responsible for the security of their property. The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University.~~

~~(9)~~ By requesting the opportunity for solicitation on University premises, a solicitor warrants that it may lawfully sell or promote its product, service, or idea and that such activity does not violate any law and does not violate any trademark, copyright, or other similar proprietary interest.

~~(10)~~ Printed Materials Distribution and Posting

~~(a)~~ The University prohibits the posting, distributing, stacking or placement in racks of any commercial material or advertisements. Additionally, no material of any kind may be placed on automobile windshields.

~~(a)~~ (b) All persons wishing to post materials in or on a University building must receive prior approval from the person responsible for supervision of the affected building. FAMU students, faculty and staff will be given priority over non-University persons and entities.

(11) Violations

(a) Those violating this Regulation will be instructed to cease and desist immediately and may be asked to leave the property. Additionally, a "No Trespass" warning by the University's Department of Public Safety may be issued to violators.

(b) The failure of certified student organizations or students as defined in University Regulation 2.012, Student Code of Conduct, to comply with this Regulation may result in disciplinary action for the student(s) and student organization(s), including the loss of the privilege to engage in solicitation on University property.

*Specific Authority Article IX, Section 7(c), Florida Constitution, BOG Regulation 1.001-120.53(1)(a), 120.60, 240.227(1), 240.263, 240.267, F.S. Law Implemented 120.53(1)(a), 102.60, 240.227(1), 240.263, 240.267, F.S. 120.53(1)(a), 120.60, 240.227(1), 240.263, 240.267, F.S. Law Implemented 120.53(1)(a), 120.60, 240.227(1), 240.263, 240.267, F.S.-History-New 10-30-83, Formerly 6C3-3.11.*

*Cf. BOR Rules 6C-4.001(5), and FAMU Rule 6C3-3.004, F.A.C. Amended \_\_\_\_\_.*