

# **COMMERCIAL SOLICITATION AND SALES POLICY AND PROCEDURES**

**POLICY NUMBER:** RESERVED FOR FUTURE USE

**POLICY TYPE:** ADMINISTRATIVE

**RESPONSIBLE OFFICIAL TITLE:** CHIEF FINANCIAL OFFICER

**RESPONSIBLE OFFICE:** BUSINESS OPERATIONS & AUXILIARY SERVICES

**EFFECTIVE DATE:** 8/29/1993

**NEXT REVIEW DATE:** 8/29/1997

**SUPERSEDES POLICY:** FORMERLY ADMINISTRATIVE REGULATION AR-II-5.0-11

**BOARD OF REGENTS REPORTING (CHECK ONE):**

PRESIDENTIAL RECOMMENDATION (CONSENT AGENDA/VOTING ITEM)

PRESIDENTIAL REPORT (INFORMATION ONLY)

## **I. POLICY STATEMENT**

### **1. General**

Commercial solicitation is any communication that proposes a lawful commercial transaction. It shall only occur pursuant to the standards set forth herein.

### **2. Purpose**

The University has a primary responsibility to provide an environment which promotes the educational mission of the University; promotes safety and security; prevents commercial exploitation of the University community and its members; and preserves order and tranquility for its residents. However, members of the University community are consumers of goods and services, and the University does not intend to place undue restrictions on the access of the members of the University community to necessary goods and services. The policy set forth herein seeks to balance the interests of the University with those of its members relative to commercial solicitation.

### **3. Scope**

This policy shall apply to commercial solicitation of students, faculty, and the general public. This policy shall not apply to the following:

- Solicitation involving the expenditure of University funds.
- Bookstore operations.
- All University purchasing and all contracts for the provision of goods and services regularly awarded, administered or supervised by the Division of Administration and Finance.

### **4. Franchises**

No commercial solicitation pursuant to this policy shall infringe upon or cause the University to violate any contract between the University and another party granting a franchise or exclusive right to sell or provide certain goods and services.

### **5. Location.**

Commercial solicitation shall occur only in the following areas, subject to other time, place, and manner restrictions:

- A. *University Center.*** Commercial solicitation shall be permitted in the University Center. The area available for commercial solicitation shall be limited to areas designated inside the University Center and on the plaza immediately adjacent to the University Center. Commercial solicitation in the University Center area shall be subject to additional time, place and manner regulations issued by the Office of Student Life.
- B. *Residence Halls.*** Commercial solicitation shall be conducted in those lobbies of residence halls designated by the Office of University Housing as available for commercial solicitation. The Office of University Housing shall designate no fewer than one generally accessible lobby in each residence hall to be available for commercial solicitation. Any commercial solicitation in residence halls shall be subject to further time, place and manner regulations issued by the Office of Student Life and the Office of University Housing. Door to door commercial solicitation in residence halls is prohibited. Nothing herein shall prohibit a resident of any residence hall from engaging in commercial solicitation in his/her own residential room, subject to all other rules and regulations governing the occupancy of residence halls.
- C. *Such other locations on campus as may be approved by the Office of Student Life.*** Provided however, any proposed commercial solicitation in or adjacent to any athletic facility shall be approved by the Department of Athletics. Moreover, door-to-door commercial solicitation is expressly prohibited in academic/administrative buildings.

## **6. Permits**

Individuals, student organizations, university departments, employees or other groups or organizations wishing to engage in commercial solicitation at the University shall secure a university sales and solicitation permit from the Office of Student Life. The sales and solicitation permit for an individual, student organization, university department, employee, or other group desiring to engage in commercial solicitation in residence halls shall also be approved and endorsed by the Office of University Housing. The permit issued to a group or activity shall cover the individuals associated with the group or activity.

The procedure for obtaining a permit shall be as follows:

- A. Any individual, student organization, university department, employee, or other group or organization wishing to engage in commercial solicitation shall make application for a university sales and solicitation permit from the Office of Student Life on a form supplied by that office. The applicant shall disclose the following information: name, address, and telephone number of the individual, group, organization, university department, employee; the date(s) of solicitation; the proposed location of the solicitation; the nature and method of the solicitation; the name, address and telephone number of each individual to be covered by a group or organization permit and the designation of one or more individuals in a group as a representative of the group; a statement that the applicant has read the university commercial sales and solicitation policy and will abide thereby; and such other information as the Office of Student Life deems necessary in order to administer its responsibilities hereunder. The application shall be public record and retained in the Student Life office.
- B. The Office of Student Life shall forthwith forward a copy of the application to the Division of Administration and Finance.
- C. The applicant shall present any necessary occupational license(s), Commonwealth of Kentucky vendor's license, or any other license or permit necessary for the conduct of his/her/its solicitation.

- D. Any commercial solicitation which proposes to sell food, food products and non-alcoholic beverages must be approved by the Director of Campus Food Services or his/her designee. Selling food, food products and non-alcoholic beverages shall be conducted pursuant to applicable health department regulations and shall be accompanied by all required permits and licenses.
- E. The Office of Student Life shall take action on the application within two (2) business days. In the event that an application for solicitation at the University Center is approved, the Office of Student Life shall issue a permit specifying the date, time and location of the solicitation. The permit shall be subject to any commercial solicitation regulations promulgated by the Office of Student Life relative to the University Center. In the event that the application for solicitation in the Residence Halls is approved, the Office of Student Life shall Immediately forward the application to the Office of University Housing for its consideration and actions as described below.
- F. After an application for solicitation in the Residence Halls has been approved by the Office of Student Life, that office will forward the application to the Office of University Housing for consideration.
- The Office of University Housing shall have two (2) business days in which to act upon the application. If the application is approved, the Office of University Housing shall issue a permit for the solicitation specifying the date, time and specific location of the solicitation. The permit shall be subject to the commercial solicitation regulations promulgated by the Office of Student Life and Office of University Housing relative to residence halls.
- G. The Office of Student Life or the Office of University Housing shall issue a permit, card or other form of identification for each individual covered by a permit issued to a group or organization. Said permit, card, or form of identification shall identify the individual as a member or representative of the permit holder and further provide information relative to the date and location of the solicitation.
- H. Reservation of the University Center for commercial solicitation shall be pursuant to the procedures set forth herein. Use of the University Center shall be pursuant to applicable provisions of the "[Reservation Policy – University Center and Student Union](#)".
- I. Each individual engaging in commercial hereunder, including individuals covered by a permit issued to an organization or group, shall carry and display on a display board, a university sales and solicitation permit, which permit shall specify the date and location for the solicitation.
- J. Anyone engaged in commercial solicitation on the university campus without a valid permit displayed, as set forth above shall be notified to cease operation and come immediately into compliance. If appropriate, anyone who is not in compliance with University requirements will be required to vacate University property. In the event that individual(s) in violation of this policy refuse to vacate the premises after notification, the notifying university employee involved will take appropriate action as follows: if possible, notifying the person(s) a second time of the violation of university policy or regulation (second notification by a university employee is not required); if the violation continues, arrange for the removal of the person(s) from the area/university property by the NKU University Police.

## **8. Appeals**

Any applicant aggrieved by a determination of either the Office of Student Life or the Office of University Housing may appeal to the Dean of Students within two (2) business days after receipt of the

notice of the denial or adverse action. The aggrieved party may request a determination based upon the submission of its appeal in writing, or upon a hearing before the Dean of Students or his/her designee, acting as an appeals officer, where the applicant may present evidence and witnesses. The appellant may have an advisor present. The advisor may not address the Dean or other appeals officer. The appeals officer shall respond to a written appeal within three (3) business days after its receipt. A hearing shall be held within three (3) business days after a request for a hearing is received. A determination shall be made within three (3) days after the hearing. All determinations by the hearing officer shall be in writing and shall be final.

## 9. Employees

Any approved sales or solicitation by a university employee shall take place outside the employee's regularly scheduled work hours and must not interfere with the other employee's work schedule. A University employee must obtain the prior approval and signature of his/her department head on the application for a University Sales and Solicitation Permit.

## 10. Posters

All commercial solicitation involving posters, flyers, handbills, and the like shall be permitted as long as the distribution of posters, flyers and handbills is in accordance with NKU's [Free Expression](#) policy.

## II. ENTITIES AFFECTED

Faculty, Staff, Students, and the University Community

### REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
<b>Edits/formatting</b> <ul style="list-style-type: none"> <li>• Updated information at top of policy</li> <li>• Updated revision history</li> <li>• Added the definition of commercial solicitation from AR-II-5.0-11 to part 1 "General" (it had been omitted)</li> <li>• Replaced reference to AR-II-5-0-10 in item 6(H) with a link to the "Reservation Policy—University Center and Student Union" that replaced it</li> <li>• In item 6(J), replaced "NKU Department of Public Safety" with "NKU University Police"</li> <li>• In item 10, replaced reference to "University Posting Policy, AR-II-5.0-5" (which was superseded 5/2/2007 by AR-II-5.0-4, which became the current Free Expression policy) with a link to the NKU's Free Expression policy</li> </ul>	August 20, 2019 (editorial)
<b>Conversion to board-approved policy</b> (see Presidential Recommendation C-12, May 2013 Board of Regents materials)	August 1, 2013
<b>Administrative Regulation AR-II-5.0-11</b>	August 29, 1993
<b>Superseded regulation</b>	February 25, 1983