COMMERCIAL SOLICITATION POLICY

Definition
This policy establishes acceptable means of commercial solicitation on the campus of California State University San Marcos as prescribed by Title 5 of the California Code of Regulations.

Authority
Title 5, Division 5, Subchapter 5, Article 9

Scope
This policy and related procedure apply to all areas of the university.

Karen S. Haynes, President

Approval Date: 12/16/08

Revised: 10/23/08
Implemented initially: 7/16/03
I. **DELEGATION OF AUTHORITY**

Pursuant to Title 5, Division 5, Subchapter 5, Article 9, Section 42350, the campus president has authority to approve commercial solicitation activities. For purposes of this policy and procedure, authority has been further delegated by the campus president to the vice president for student affairs.

II. **DEFINITIONS**

(a) *Commercial solicitation* means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

(b) *Sale, selling or purchasing* means an activity creating an obligation to transfer property or services for a valuable consideration.

(c) *Solicitation* means to importune, or endeavor to pursue or obtain by asking, but does not include "commercial solicitation."

(d) *Private sale* means occasional selling between persons who are campus students or employees.

(e) *Commercial transaction* means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.

III. **COMMERCIAL TRANSACTIONS**

Commercial transactions and the display of property or services for sale on a campus are prohibited except with written permission by the campus president, or designee. Such permission shall be granted if:

(a) The proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or

(b) The prospective buyer has agreed in writing in advance to an appointment, and the prospective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus.

(c) This section shall not apply to private sales.
IV. SOLICITATION

Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president or designee as to time, place and manner thereof. Solicitation in violation of the established campus policy regarding time, place and manner is prohibited.

V. COMMERCIAL SOLICITATION

Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president or designee. Permission for commercial solicitation shall be granted by the campus president, subject to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

VI. APPROVALS

(a) No student, student organization, non-university person, employee, employee organization, or outside agency, or outside person shall solicit sales or offer anything for sale to any employee or student on the campus of CSUSM, unless approved by the vice president for student affairs.

(b) Commercial solicitation to the student body is permitted in the time, place, and manner designated by Associated Students, Inc. in conjunction with guidelines of the CSUSM University Auxiliary and Research Services Corporation (UARSC). Those wishing to participate in commercial solicitation to the student body must contact ASI, submit a registration form, be granted a contract to sell, abide by the terms and conditions therein, and pay any applicable fees.

(c) Commercial solicitation may not interfere or compete with the commercial operations of the CSUSM University Auxiliary and Research Services Corporation (UARSC). As authorized by the campus president, UARSC reviews all applications for commercial solicitation to the student body submitted to ASI and ensures that the commercial activity meets UARSC criteria.

VII. RULES

(a) Commercial solicitation activities are prohibited in classrooms and may not interfere with instruction, the operation of the University and maintenance of its grounds; obstruct the free flow of pedestrian or vehicular traffic; use sound amplification equipment; or in any way interfere with the rights of other persons on University property. False, misleading, or illegal claims are prohibited and solicitors may not

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make any representation, implied or direct, that indicates an endorsement or guarantee by CSUSM, its officers, the California State University system, CSUSM University Auxiliary and Research Services Corporation, or Associated Students, Inc.

(b) In the case of a violation, a written Notice of Violation will be issued. If the violation is egregious, or if the violations persist or are repeated after notification, the permission to engage in solicitation will be revoked, the solicitors will be asked to leave the campus, and future requests may be cancelled or denied. Persistent violators may be subject to criminal prosecution.

(c) Credit card solicitation, including marketing credit cards to students, is prohibited unless permission has been granted by the vice president for student affairs and ASI. Offering gifts to students for filling out credit card applications is strictly prohibited.

(d) In exchange for the opportunity to solicit sales on campus the university may charge, at its discretion, a solicitation fee.

(e) This policy and procedures does not apply to private sales between individuals where this is no attempt to solicit or sell to the general campus population.

(f) This policy and procedures does not apply to advertisements in the campus newspaper and other recognized student and faculty publications.

VIII. ROLES AND RESPONSIBILITIES

(a) Vice President Student Affairs — oversees and approves commercial activity on the CSUSM campus.

(b) Associated Students, Inc. — provides a forum for vendors to offer goods and services to the student body; reviews and grants vendor contracts.

(c) CSUSM University Auxiliary and Research Services Corporation — ensures that vendors are not competing with the commercial operations of the Foundation; ensures that vendors have appropriate insurance.

(d) This policy will be enforced by the University Police.