

# Advertisement and Solicitation

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### *Op1.01 Commercial Advertising, Sales, Solicitation and Facilities Usage Policy*

Missouri State University recognizes the importance of its campuses as locations for the advertisement of events, products, and services. In order to balance the interests of the university in maintaining a campus environment that is aesthetically pleasing, free from rampant commercial activity, and consistent with the university's public affairs mission, the university has established this policy detailing the permissible nature in which advertising, sales, solicitations and facilities may be used for commercial purposes.

Note: This policy does not apply to non-commercial expressive activity, which is instead subject to G5.02 Expressive Activity Policy ([https://www.missouristate.edu/Policy/Chapter5/G5\\_02\\_ExpressiveActivity.htm](https://www.missouristate.edu/Policy/Chapter5/G5_02_ExpressiveActivity.htm)).

## **1. Advertising on university campus or through university owned and controlled distribution**

For the purpose of this policy, advertising is defined as the dissemination of commercial informational or promotional materials regardless of the medium or method. The university retains the exclusive right for promotion of university activities through advertisement and endorsement by commercial enterprises and products. The university reserves the right to prohibit or remove advertising from campus which violates

university policy or the procedures adopted pursuant to this policy. Advertisement on campus or in university publications and activity programs does not imply official endorsement by Missouri State University.

#### **A. Physical advertisements**

The tangible display of advertisements within university facilities or affixed to university structures shall be done in a manner consistent with this policy and the procedures set forth herein. Administration and Finance will coordinate with university facilities that contain bulletin boards designated for the dissemination of information to adopt procedures for the posting of material to such bulletin boards. Such procedures will be content neutral and will be limited to a time, place and manner regulation consistent with university policy and applicable law.

##### **1. Bulletin boards**

Designated bulletin boards are the primary means for displaying printed material on campus. Bulletin boards in university buildings are reserved for the purpose of notices and other materials related to the programs and goals of the university. While there are numerous open bulletin boards across campus, there are also Departmental Bulletin Boards solely for the use of the designated department. With the exception of the Plaster Student Union, commercial advertisements and publicity may not be displayed on bulletin boards. Only university departments and recognized student, faculty, and staff organizations are authorized to post materials on bulletin boards in university buildings other than the Plaster Student Union.

##### **2. Sidewalk chalking**

Chalk advertisements by members of the university community are permitted on concrete horizontal sidewalk surfaces only; in areas that can be naturally washed by rain; and are not permitted under building overhangs, on building surfaces, curbs, steps, brick surfaces, planters, benches, or similar

locations. Only washable sidewalk chalk may be used. The university reserves the right to wash off any and all chalk advertisements and messages within six (6) hours of any event held.

#### **B. Electronic advertisements**

The electronic dissemination of advertisements through the university's electronic resources (e.g. email system, network or other information services infrastructure), shall be done in a manner consistent with this policy and the procedures set forth herein.

- Use of the mainframe computer, web pages or electronic mail resources for paid consulting, for business purposes or for political gain is prohibited.
- Electronic "mass mailings" or the sending of large files through the university's network for commercial purposes is not permitted.

For additional information regarding the university's computers and networks, please read the [Computer and Information Services Policies](https://www.missouristate.edu/Policy/Chapter12/default.htm) (<https://www.missouristate.edu/Policy/Chapter12/default.htm>).

Non-university businesses, agencies and individuals may advertise their products or events on campus through paid advertisements on *The Standard* newsstands and in student publications such as *The Standard*, athletics brochures or similar publications. Such publications have established policies for advertising standards, and inquiries should be made directly with personnel responsible for those publications.

All advertisements must be otherwise consistent with university policy.

## **2. Commercial sales and solicitations**

Except as set forth in this policy, the university prohibits all direct sales, solicitations, and distribution of commercial sales and solicitation materials in university facilities, or on university owned and/or controlled

property, as well as all uses of the university for the commercial or promotional purpose of an independent third-party.

As used in this policy, solicitation means the i) attempted sale, lease or rental of any property, product, merchandise, publication, membership, or service, whether for immediate or future delivery; ii) request for any gift or contribution; or iii) the distribution of information in support of the activities described in (i) and (ii).

As used in this policy, sales means the transfer by any person of tangible goods to a purchaser for use or consumption for the exchange of payment or the promise of payment (including in-kind payment).

Except as provided below, all individuals engaged in business for any product, service, or location whatsoever are prohibited from soliciting members of the faculty, staff or student body in any premises owned or controlled by the university, or by any electronic means, except as provided herein.

Plaster Student Union provides for limited space for sales and solicitation; however, such space must be reserved through the event and meeting services office, 417-836-5653.

Events otherwise approved according to the university's policies that commonly sell merchandise, such as BearFest Village, Tent Theater, approved fundraising activities and camps/conferences may be permitted to do so if approved according to an underlying contract or other arrangements for the event.

#### **A. No prohibition for registered student organizations and university departments**

The university's prohibition on solicitation does not apply to registered student organizations, university organization, and university colleges and departments. Registered student organizations, university organization, and university colleges and departments may solicit on campus. All solicitation activities on campus of registered student organizations, university organization, and university colleges and departments must comply with the procedures outlined in this policy. Solicitation activities on behalf of registered student

organizations, university organization, and university colleges and departments are acceptable so long as the solicitation activities:

- do not violate or conflict with university policies or local, state or federal law;
- do not conflict with the educational purposes of the university;
- do not negatively impact other university development activities;
- do not infringe upon the university's trademarks or other intellectual property rights;
- do not disrupt traffic, either vehicular or pedestrian;
- do not result in a breach of university contracts or university-contracted operations;
- do not jeopardize public or individual safety;
- are conducted by members of the student organization, university organization, or university college and department;
- are approved by the Food Services Director if food products are under consideration;
- are facilitated in an approved, designated location;
- are conducted as a fundraiser and not as independent commercial activity;
- are covered by such insurance as may be deemed necessary;
- are related to official university business if facilitated through telephone or electronic communication systems; other solicitations through the university telephone or computer/electronic systems are prohibited;
- are through paid United States Postal Service and delivered to the university, if by mail; or as permitted by the campus mail system.

**B. Limited commercial solicitations with non-university commercial entities**

Registered student organizations, university organization, and university colleges and departments may, pursuant to a written agreement, partner with a non-university commercial entity to engage in product,

promotion, advertisement, and engagement on the university campus. Such action must be consistent with this policy and cannot include any direct sales on behalf of the third-party entity.

Prior to any activity described in this section, an appropriate administrator must approve the proposed solicitation activity in writing. The appropriate administrator will vary based on the particular organization submitting the request. The appropriate administrator for a registered student organization is the faculty/staff advisor for that organization and the director of student engagement. The appropriate administrator for a non-academic university department/organization (e.g., *The Standard*) is the vice president responsible for the department / organization, or designee. The appropriate administrator for an academic department or college is the dean of the college, or designee.

If the non-university commercial entity in which the university student organization, university organization, or university college or department wants to partner with directly competes with a university commercial enterprise, or an enterprise with which the university has entered into a contractual arrangement then an additional level of approval is required. In such case, the vice president for marketing and communications and the vice president for student affairs must both approve prior to the proposed activity. For purposes of this policy, a university commercial enterprise includes, without limitation, the following activities: student housing; campus catering; textbook sales; and university licensed apparel.

The requirements of [Section 2 \(#sales\)](#) of this policy do not apply to the traditional advertising (e.g. print, radio and television) of the university's various news and/or publications outlets, including but not limited to: *The Standard*, OPT -- Ozarks Public Television, KSMU -- Ozarks Public Radio and The Black Bear.

### **C. Charitable organizations**

The university retains the exclusive right to determine the appropriateness of allowing a charitable solicitation on a case-by-case basis. Inquiries for charitable solicitations can be made through the office of university advancement (417-836-6666). The office of university advancement will then collaborate with the appropriate

vice president related to the proposed charitable solicitation. The university acknowledges the appropriateness of solicitations, such as the support of the annual solicitation by the United Way, sponsored by the President's Office, the frequent blood drives on campus, sponsored by the division of student affairs; the American Cancer Society Relay for Life sponsored by the Student Government Association; and the Denim Day sponsored by the staff senate.

### 3. Facilities usage

Arrangements for the use of university facilities, including both buildings and grounds consistent with this and other university policies, must be made in advance through event and meeting services office in Plaster Student Union 302, phone 417-836-5653.

For press conferences on university-owned property contact strategic communication in Alumni Center 600, phone 417-836-6397.



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