

70-7 Sales, Solicitation and Advertising

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1. **Purpose.** The purpose of this policy and these procedures is to delineate acceptable times, manner, and places on Eastern New Mexico University System's (the System's) property, media, or sponsored events for sales, solicitations, and/or advertisements.
2. **Policy.** The primary mission of the System is educational. The System is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. The System's responsibilities also include the need to protect and promote intellectual freedom, and the free exchange of ideas. The System has a legitimate interest in regulating activity or material that could unduly interfere with its educational mission. To this end, the System may impose reasonable restrictions upon the time, place and manner of sales, solicitations, advertisements, displays and the distribution of publications, including the use of ENMU electronic System media. All such sales, solicitations and advertisements on the System's campuses shall conform to the regulations contained in this policy.

The foregoing purpose and policies are implemented by the following.

Procedures

3. **Administration.** These policies and procedures shall be administered by the vice president for Student Affairs (VPSA), vice president for Student Learning and Success (VPSLS) or his/her designee, and the office of College Development ENMU-Roswell.
4. **Definitions.**
 - A. **"Sales"** include requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or offering other comparable materials and privileges, in person or by handbills, raffles, consignment sales, posters or similar materials to promote sales.
 - B. **"Solicitation"** may involve all activities noted identified as "sales," as well as solicitation of ideas or points of view, or requesting money or donations.
 - C. **"Advertisements"** are printed or mass media communications targeted at the general public that have, as an integral part of their message, the identification and promotion of a product, service or point of view.
 - D. **"Printed materials"** are publications, handbills, posters, banners, leaflets and other printed materials, including sidewalk chalking, intended for public distribution or display on campus.
 - E. The term **"obscenity"** is narrowly construed and is limited to materials that lack any literary, artistic, political or scientific value and that contain patently offensive representations or descriptions of ultimate sexual acts, masturbation, excretory functions or lewd exhibitions of the genitals or that include descriptions or representations of children engaged in any sexual activity or in a state of undress.

- 5. Scope.** This policy shall apply to:
- A. All campus personnel, students, student organizations, visitors and to any person, organization or business seeking to use campus facilities for the purpose of sales, solicitation or advertising;
 - B. All System facilities and property; and
 - C. All forms of sales, solicitation and advertising, including but not limited to the placement of signage, the conduct of rallies and similar events, the distribution of publications and handbills, and the use of ENMU System electronic media for sales, solicitation or advertising purposes.
- 6. Regulation of Place, Time and Manner.** The System has the right to reasonably regulate the place, time and manner of sales, solicitation, advertisements, displays, distribution of publications and the use of ENMU electronic media for such purposes. An application for sales, solicitation or advertising may be denied or regulated if the requested activity will substantially interfere with the System's need to maintain campus safety, avoid disruption of functions, maintain personal privacy and prevent commercial exploitation of members of the System community. Any such regulation must conform to constitutional standards of free speech, free assembly and free association. Content or viewpoints shall not be considered in a decision to grant or deny an application except when the message promotes alcohol or drug use, contains obscenity, threatens or incites violence or violates any local, state, or federal law.
- 7. Timely Review of Applications.** All applications for sales, solicitation or advertising will be reviewed in the order in which they are received by the campus oversight office (Office of Campus Life, Office for Student Learning and Success, College Development Office). Upon receipt, a decision to grant or deny an application will be made within five (5) business days from the date that a completed application is submitted to the appropriate campus office.
- 8. Right to Appeal.** A decision to deny an application for sales, solicitation or advertising may be appealed to the policy president or chancellor. Any appeal must be received no later than five (5) business days from the date of denial. The president or chancellor shall meet with the applicant within five (5) business days from receipt of the applicant's appeal in order to review the reasons for denial. An applicant may revise the application to meet System standards and re-submit it.
- 9. Guidelines.**
- A. Place.
 - (1) Locations for sales, solicitations, and placement of advertisements will be determined by the office of the oversight administrator.
 - (2) Printed materials may not be placed on windshields of parked vehicles.
 - B. Time.
 - (1) Requests for permission to sell, solicit or advertise are granted for a specified period of time. The Sales, Solicitation and Advertising application form asks the applicant for

requested dates and times. The oversight office will respond with approved dates and times.

- (2) Posters and other printed materials ordinarily may not be displayed for more than two (2) weeks, unless special permission for longer posting is granted. Posters should be removed by the requester within one week of the end date of the event.

C. Manner.

- (1) Commercial organizations may engage in advertising and commercial solicitation on campus only in accordance with the terms of the approved application. The application will not be approved if it is determined that the proposed advertisement or commercial solicitation will be misleading or that it will substantially interfere with the System's educational mission or promote or encourage the use of alcohol or illegal drugs or other illegal activity. Such written determination will include an explanation of the decision.
- (2) Commercial messages ordinarily will not be permitted in the following areas due to the adverse impact on the University's educational mission: (1) residential facilities; (2) classroom and laboratory areas and buildings; (3) administrative areas and office areas; and (4) libraries.
- (3) Any activity may be discontinued and permission revoked by the oversight office on the appropriate campus (Student Affairs at Portales, Student Learning and Success at Ruidoso, College Development at Roswell), if the activity:
 - a. does not match the description on the permission form;
 - b. encourages use or abuse of alcohol, drugs or smoking and vaping;
 - c. contains threats of violence or promotes or incites actual violence;
 - d. contains obscenity;
 - e. causes substantial disruption to the educational mission of the System; or
 - f. violates any local, state or federal law.

10. Unauthorized Materials, Amplification or Charges for Services

- A. Individuals, campus personnel or entities, and commercial organizations attempting to display or distribute unauthorized materials on any System campus or use campus facilities for unauthorized or un-permitted commercial solicitation or advertising will be removed from the campus and may be subject to other appropriate legal action.
- B. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless specifically requested and authorized in advance by the regulating office.
- C. Any activity on any ENMU System campus that results in the need to use System personnel for litter collection, crowd control, repair/replacement of exterior or interior materials, furnishings, etc., may require repayment to the System by the responsible

party. The responsible party may also be required to hire such required personnel and services as a condition of approval of the request for sales, solicitation or advertising.

11. Printed Materials.

- A. Permission to distribute or post printed materials (such as handbills) must be approved by the office for Campus Life, Student Learning and Success, or College Development Office. An example of the handbill, poster, flyer, etc., must accompany the application.
- B. All materials representing the ENMU campus must comply with any regulations regarding naming and presentation, including but not limited to wordmark identity and official colors.
- C. Posters, announcements, chalking, banners, cards, web page entries on official ENMU campus sites or other campaign materials for any individual seeking public office may not be posted or displayed on or in any System academic, residential or administrative buildings, campus grounds, parking lots or electronic media. Campaign material for individuals seeking public office may be posted only in an individual's assigned residence hall room or in areas designated for that purpose in or around the Campus Union Building (Portales) or space designated by the appropriate branch community college campus administrator. For campaign materials for Student Government or other campus positions, see below (11.D).
- D. Student election campaign literature must conform to the procedures established by the Student Elections Coordinator of the Student Government Association of ENMU or by the equivalent officer or organization at the branch community college.
- E. Publications may be sold in the Campus Union, the Bookstore and museums maintained by ENMU only in accordance with the regulations established by the management of these agencies.

Approved by the Board of Regents, June 27, 1992.

Approved by the Board of Regents, May 12, 2006.

Amendments approved by the Board of Regents, May 9, 2008.

Amendments approved by the Board of Regents, November 1, 2019.

Amendments approved by the Board of Regents May 8, 2020.