

UNIVERSITY RULE

21.99.09.M1 Access to University Property for Soliciting Donations and for Sales and Rentals

Approved December 21, 1996

Revised August 14, 1999

Revised September 23, 2014

Next scheduled review: September 23, 2019

Rule Statement & Reason

The President of Texas A&M University has delegated the authority to approve all sales and solicitations on campus (excluding University Auxiliaries and contracted vendors) to the University Concessions Committee within the Division of Student Affairs.

Definitions

Campus – Defined as all University-owned property, including main campus, west campus, Hensel Park, University Apartments, Research Park, Easterwood Airport, Freeman Arena, G. Rollie White Welcome Center, athletic venues and facilities, Riverside Campus, and all Texas A&M Health Science Center campus locations.

Consideration – An inducement to enter an agreement. Some right, interest, profit, or benefit, or some forbearance, detriment, loss, or responsibility given or undertaken by parties to the transaction, including funds, gratuities, or contributions.

Sales and rentals – The offer to transfer goods to, or render services for, another, whether for immediate or future delivery, in exchange for funds, pledges, contributions, or other consideration.

Soliciting Donations – The collection of funds, pledges or contributions by individual, group or entity without requiring consideration in return. This also includes the promise of future funds, pledges, and/or contributions.

Transaction – An exchange of consideration (funds, pledges, or contributions) between two or more persons or entities for the purposes of consummating a sale or rental.

Unaffiliated Third-Party – For the purposes of this rule, the following are affiliated with the university: faculty, staff, or students acting on behalf of a student organization, department, college, or division, or other university-affiliated entities like the Texas A&M Foundation, Association of Former Students, and 12th Man Foundation. Any other individual, organization, or group is an unaffiliated third-party.

Official Rule/Responsibilities/Process

1. PERMITS

- 1.1 Faculty, staff, students, student organizations, departments, colleges and divisions wishing to solicit donations, or to make sales and/or rentals are required to obtain written permission from Student Activities or the Concessions Committee prior to the beginning of this activity.
- 1.2 The Texas A&M University Concessions Committee, which is convened by the Dean of Student Life, is responsible for granting permission for soliciting donations or sales on campus. The Concessions Committee is composed of faculty, staff, and student representatives of the University Community.
- 1.3 Concessions permit request forms are available in the Department of Student Activities. Applicants should submit their requests to the Department of Student Activities at least ten (10) full business days prior to the requested date for beginning operations.
 - 1.3.1 Concessions permits are limited to five (5) days in a thirty (30) day scheduling period to provide equal access to all organizations.
 - 1.3.2 A copy of Texas State Sales and Use Tax Permit must be on file if the concession involves a sale of any kind.
 - 1.3.3 No concessions permit is required if:
 - 1.3.3.1 Students, faculty, or staff advertise personal items (i.e. “for sale” or “want to buy”) on bulletin boards designated for that purpose; or
 - 1.3.3.2 A recognized student or University organization (including residence halls) sells certain selected items to its members ONLY.

Copies of Concessions Guidelines are available from the Department of Student Activities.

- 1.4 A request for a concessions permit may be rejected or revoked by the University Concessions Committee if at any time the act of soliciting donations, selling, renting or executing transactions disrupt the normal activities on the campus.
 - 1.4.1 Justifiable reasons for rejections or revocation may include, but are not limited to, failure to comply with the basic requirements as outlined in this rule, faulty merchandise, complaints from or inconvenience to other members of the University, soliciting donations, selling, renting or executing transactions outside of authorized areas, unsanitary conditions or procedures, misrepresentation, falsification of information on the permit

requests application, interference with the educational mission of the university, interference with normal traffic flow and use, or blocking ingress or egress.

1.4.2 Further disciplinary action beyond rejection or revocation of the concessions permit may include not permitting the student or University organization/entity to request concessions permits for a specified time or recommending that student(s), faculty, or staff involved in a Concessions Guidelines infraction be charged with a violation of University Rules and therefore be subject to disciplinary action.

1.5 If at any time the act of soliciting donations, selling, renting or executing transactions disrupt the normal activities on the campus, those organizations or individuals will be requested to cease their actions and, when appropriate, to leave the campus. Should they refuse to cease their actions, or to leave, if requested to do so, they will be informed that they are trespassing on state property. Those authorities having jurisdiction will be called upon to remove such violators or take other appropriate action.

2. UNAFFILIATED THIRD-PARTY

2.1 Concessions permits will not be issued to unaffiliated third-parties. If an unaffiliated third-party seeks to make sales on campus it should follow the process for contracted vendors outlined by the Department of Contract Administration.

3. ALCOHOLIC BEVERAGES

3.1 Advertisement or promotion of alcoholic beverages is prohibited except as permitted by University Rules 34.03.01.M1.

4. COMMERCIAL SPEECH

4.1 Commercial speech is protected by the First Amendment. Commercial speech includes advertising or promoting products or services. The university *cannot* limit any seller's right to advertise or promote products or services (including price information) in "traditional public forums" or "designated public forums" (see Appendix XI in the TAMU Student Rules at <http://student-rules.tamu.edu/appendixes>). The university *can* regulate advertising and promotional speech in these forums that is false, misleading, or offering illegal goods or services.

4.2 The university *can* limit or prohibit a seller from advertising or promoting products and services in "limited public forums" and "non-public forums" (see Appendix XI in the TAMU Student Rules at <http://student-rules.tamu.edu/appendixes>). The university *can* limit or prohibit a seller from engaging in transactions in any forum by requiring adherence to established university rules such as those outlined in this rule.

Related Statutes, Policies, or Requirements

[System Regulation 21.99.09 – Access to System Property for Soliciting Donations and for Sales and Rentals](#)

Contact Office

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