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ALUMNI [

/ENGAGE/ALUMNI/INDEX.ASPX

Give to WCU ▾

Quick Links ▾



ABOUT [

/DISCOVER/INDEX.ASPX

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University Policy 114

Solicitations, the Distribution of Materials, and Public Displays

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Policy Topic: Governance and Administration

Administering Offices: Administration and Finance; Legal Counsel's Office; and Student Affairs

I. POLICY STATEMENT

Recognizing that its support derives in large part from public funds, Western Carolina University (the “University”) is committed to making its facilities and grounds available for use by all groups, consistent with its educational mission, its duties as a custodian of State resources, applicable state and federal law, and its responsibility to consider the safety and welfare of its students, faculty, staff, and visitors. The University strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and N.C. Constitution. Free speech is central to the University’s academic mission and it encourages and supports open, vigorous, and civil debate. While the University wishes to be accessible to the public, the University has the right under appropriate circumstances to regulate the time, place, and

manner of exercising constitutionally protected rights and to use its own facilities in accordance with the University’s business needs. The purpose of this Policy is to place reasonable limitations on solicitation activities and the placement of materials and signs so that the University may fulfill its primary mission of education and ensure the safety and welfare of the campus community.

II. SCOPE AND APPLICATION OF POLICY

- A. This policy applies to solicitation, the distribution of materials, and public displays conducted on the University’s campus.
- B. All activities under this Policy must also comply with University Policy #82, *Facilities Use Policy*, where applicable.
- C. Use of a University facility for solicitation, the distribution of materials, and public displays does not mean that the University in any way supports, sanctions, or agrees with the policies and activities of the user. The University reserves the right to limit use of the University’s name, registered marks, and other University indicia in connection with promotion or endorsement of events. Except for the purpose of describing location, promotional and advertising materials may not implicitly or explicitly use the University’s name, logo or other indicia without prior approval of the University, which may be obtained from the Brand Manager located in the Office of Creative Services at (828) 227-2077.

III. DEFINITIONS

“Affiliated Group” means a group or entity that is directly or indirectly controlled by, controlling or under common control with the University. It includes University Groups and Recognized Student Organizations.

- 1. “University Group” is an administrative or academic unit, department, or center within the University, staffed by University employees acting within the scope of their employment.
- 2. “Recognized Student Organization” means the Student Government Association and other student clubs and groups that have been officially recognized by the University.

“Non-Affiliated Group” is an individual or group that is a legally separate entity from the University, even though some of the members or participants may be University personnel, alumni, or students.

“Commercial Solicitation” means:

- 1. Any proposal to sell, solicitation of an offer to buy, or dissemination of information for the purpose of facilitating the sale of goods or services; or
- 2. Any activity which attempts to raise funds, whether through the sale of goods and services or through donations, for any entity that is not a charitable organization, including a Recognized Student Group; or

3. The dissemination or collection of surveys for a commercial purpose; or
4. Busking, defined as the activity of playing music for voluntary donations.

“Non-Commercial Solicitation” means:

1. Any distribution of leaflets, brochures or other written material to assemblies or passersby, conducted without intent to obtain commercial or private pecuniary gain; or
2. The solicitation of charitable contributions.

This definition does not include the dissemination of information for purposes of the administrative, academic, research, education, or engagement activities of the University.

“Charitable Organization” means any organization that is organized and exclusively operated for one or more of the purposes specified in Section 501(c)(3) of the Internal Revenue Code of 1986 (the “Code”), as amended, and is exempt from federal income taxation under Section 501(a) of the Code.

“Charitable Contribution” is a contribution to a qualifying Charitable Organization that is deductible under Section 170 of the Code.

“Public Display” means a temporary display intended mainly for educational or informational purposes. Public Displays may include posters, banners, kiosks, bulletin boards, flags, and related surfaces. Public Displays may also include temporary memorial tributes.

“Public Art” means artworks in public spaces on campus, including outdoor campus spaces and interior public spaces, including but not limited to lobbies, social spaces, hallways, classrooms, etc.

IV. GENERAL REQUIREMENTS FOR SOLICITATION

- A. Solicitation must be conducted so that campus pedestrians and automobile traffic are unobstructed and members of the University community may proceed with their normal activities.
- B. Solicitation activities shall not damage University property or its grounds, including lawns, shrubs, or trees.
- C. Except as otherwise described in the University Policy #81, “WCU General Campus Policy for Alcoholic Beverages”, solicitation, promotion, or sales of alcoholic beverages and/or alcohol-related items is prohibited.
- D. Door-to-door solicitations are not permitted in any facility on campus.
- E. No material may be placed on any vehicle parked or stopped on the University campus.
- F. Nothing in this Policy prohibits the University from barring solicitation on University property that are non-public forums. These areas not traditionally open to the public for speech, such as libraries, office space, residence halls,

laboratories, and classrooms, may be limited to University uses. Solicitation in accordance with this Policy is generally permitted in areas on campus that are traditionally public forums, including the UC lawn, picnic areas, and the Catafount.

V. COMMERCIAL SOLICITATION

- A. Commercial Solicitation is prohibited except as provided in this Section. Individuals and groups seeking to engage in the sale of goods and services under this section must receive a permit from the Vice Chancellor for Student Affairs or his/her designee. The appropriate registration forms must be filed at least one week prior to initiating solicitation activities. The permit will specify the date(s), time(s), and place of the solicitation. The University may establish reasonable time, place, and manner procedures for such solicitations. Registration forms are attached to this policy as Attachment “A”.
- B. Affiliated Groups, but not Non-Affiliated Groups, may engage in Commercial Solicitation to generate funds for their programming activities consistent with the stated purpose of the group if the activity is designed to enhance student learning through engagement.
- C. A Recognized Student Group may sponsor solicitations or engage in the sale of goods or services as part of legitimate academic assignments that are sanctioned by the appropriate dean and designed to enhance student learning through engagement.
- D. University Groups and Recognized Student Groups may not sponsor solicitations that require multi-year financial contractual obligations of a student (e.g., credit card applications).
- E. Commercial Solicitation by Non-Affiliated Groups is permitted only as follows:
 - a. At designated University events such as Mountain Heritage Day, International Day, Valley Bally-hoo, and such other University events as may be designated by the Chancellor or his/her designee; or
 - b. When the solicitor has entered into a contract with the University to either (1) provide goods or services that are related to the University’s mission, or (2) to meet students’ needs that are not otherwise available in the local area.

VI. NON-COMMERCIAL SOLICITATION

- A. Anyone may distribute leaflets, brochures or other written materials in any open, exterior campus space; provided, however, that materials may not be placed on parked vehicles consistent with Section IV.E above. Anyone distributing materials must do so in accordance with additional provisions found in Sections VIII, IX, and X below, and must comply with laws pertaining to defamation, obscenity, littering, and other applicable laws.
- B. Affiliated Groups may solicit Charitable Contributions to benefit a Charitable Organization provided that the group files all appropriate registration forms with and receives a permit from the Vice Chancellor for Student Affairs or his/her designee prior to initiating solicitation activities. The permit will specify the date(s), time(s), and place of the

solicitation. All charitable solicitations on campus must comply with State law regulating the solicitation of charitable contributions (N.C.G.S. Chapter 131F).

VII. SOLICITATION IN RESIDENCE HALLS AND OTHER UNIVERSITY HOUSING

- A. University housing areas are not public forums. No person, organization or agency may engage in commercial or noncommercial solicitation in the residence halls or the on-campus fraternity or sorority houses, except as follows:
 - a. Residence Hall Councils, Resident Student Association, and the Department of Residential Living may generate funds in the residence halls for programming activities consistent with their purposes. Fraternities and sororities may do likewise in the residence halls with the written permission of the Director of Residential Living or his/her designee. Residential Living may establish rules for these internal fundraising activities.
 - b. Non-Affiliated Groups or individuals may not conduct commercial solicitation in University Housing.
 - c. Affiliated Groups, but not Non-Affiliated Groups, may engage in commercial solicitation to generate funds for their programming activities consistent with the stated purpose of the group if the activity is sanctioned by the Vice Chancellor for Student Affairs and the activity is designed to enhance student learning through engagement. This solicitation is subject to the restrictions in subsection VII.B., below.
- B. The following conditions apply to Commercial Solicitation by Affiliated Groups, and to Non-Commercial Solicitation by Affiliated Groups, and Non-Affiliated Groups:
 - a. Advance written permission of the Director of Residential Living or his/her designee must be obtained.
 - b. Solicitation may occur only within the lobby, parlor or other common area(s) as designated by the Director of Residential Living, but never in individual students' living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the residence hall environment, and groups engaged in solicitation must conduct their activities so that normal residence hall activities are not disturbed.
 - c. The group shall be responsible for any damages to the University property or facilities as a direct or indirect result of the solicitation, and must remove any and all refuse or waste that result directly or indirectly from the solicitation.
 - d. Pursuant to University Policy #82, Facilities Use Policy, groups may be required to sign a standard Facilities Use Agreement.
- C. The use of exterior and interior surfaces in residence halls are subject to regulations by the Department of Residential Living.
- D. Students are not permitted to use their rooms for commercial solicitation or to have product demonstrations or parties, or to advertise their room number for sales purposes, or to regularly conduct a business from their rooms. However, students may sell their used personal possessions, and may advertise their room or phone number for this purpose.

- E. Nothing in this section shall prevent a student from inviting anyone into his or her residence hall living quarters for the purposes of that student considering or purchasing the invitee's lawful goods or services.
- F. The Division of Student Affairs and/or Department of Residential Living may develop further rules for solicitation in the residence halls. These rules may limit or prohibit solicitation that is inconsistent with University purposes or the purpose of the housing facility, and may place limits on the time, place, and manner of allowed solicitation.

VIII. PUBLIC DISPLAYS

- A. No posters, stickers, or other materials may be fastened to any part of a facility except on surfaces provided for that purpose, such as kiosks, displays, and bulletin boards, or as permitted by a Division head. The materials must be mounted with tape, pushpins, paper staples, or other means to allow removal without surface defacement. Stickers must be affixed in the aforementioned manner and not with their adhesive backings.
- B. Subject to the approval of Division heads, each administrative and/or academic unit manager may determine how surfaces and bulletin boards within their unit may be used. Any use and/or permission must be made pursuant to this Policy.
- C. General purpose bulletin boards are provided at several locations on campus. These bulletin boards may be used for commercial purposes, informational purposes, or for solicitation of charitable contributions. They may be used by any person or group whether Affiliated or Non-Affiliated, without prior approval. Such bulletin boards bear the title "General Purpose."
- D. No material may be placed in elevators in University facilities.
- E. Any outdoor kiosk(s), general purpose surface, and/or general purpose bulletin board on campus may be used for informational and commercial purposes by any group, including University Group(s), Recognized Student Group(s) and/or Non-Affiliated Group(s). All materials are subject to removal at any time.
- F. No material may be placed on any vehicle parked or stopped on the University campus.
- G. Persons responsible for damage to walls or other surfaces resulting from violation of this policy shall pay the costs associated with repair, and may be subject to additional criminal penalties pursuant to N.C.G.S. 14-132.

IX. CHALKING

- A. Only washable chalk may be used for sidewalk chalking. Spray chalks cannot be used.
- B. Sidewalk chalking is permitted on horizontal surfaces that are exposed to rain where it will naturally be washed away.
- C. To aid in the preservation and maintenance of University facilities, chalking on the vertical surfaces (for example, walls are vertical structures and sidewalks are horizontal structures) or covered horizontal surfaces (for example, porches or the walkway beneath the Alumni Tower) of any University facility or structure is prohibited.
- D. Chalking on prohibited surfaces may be removed by University personnel consistent with routine practices or procedures.

- E. In the event that chalking on any University facilities, whether permitted or prohibited, communicates a threat to the safety of any individual or the campus community or potentially creates a hostile environment, Legal Counsel's Office must be consulted before removal.
- F. No permanent modification such as painting or the use of other permanent media may be used on any University facility, surface or roadway.

X. TEMPORARY OUTDOOR SIGNS

Temporary outdoor signs, including sandwich boards, easels, and yard signs are permitted in accordance with the following conditions:

- A. Affiliated Groups, Students, and sponsored Non-Affiliated Groups may place temporary signage around campus to promote activities, events, and programs.
- B. Groups and individuals are responsible for providing their own signage. Size limits for temporary signage are as follows:
 - a. Yard signs: no larger than 18 X 24 inches
 - b. Sandwich boards: maximum size of 24 X 46 inches
 - c. Flags: no larger than 6 X 13 inches
- C. Except for University-contracted vendors, signage used for commercial advertising is prohibited. The signage may acknowledge the corporate support of the activity, event, or program.
- D. Candidates for student government election must follow student government election policies regarding the use of signage and when campaigning may begin. Signage used for student government elections may remain for the duration of the campaign period.
- E. All signs must be placed where they do not impede pedestrian or vehicle traffic.
- F. Signage shall not disrupt existing plant life or foliage.
- G. Signage having large stakes are not permitted. Stakes must be no higher than 30 inches, and no larger than ½ inch diameter.
- H. Signage should be placed to minimize interference with University grounds maintenance. The university reserves the right to remove signage as part of its normal maintenance schedule. Any removed signage will be discarded, and charges may be assessed for removal and disposal.
- I. Except in relation to student government elections, signage may be placed on campus no more than 72 hours prior to the activity, event, or program. The signage must be removed within 24 hours following the conclusion of the activity, event, or program for which the sign is related. Any signage remaining after this period will be discarded.
- J. Posting and displays of temporary signage related to the University's role as host of a polling location may be governed by separate requirements established jointly by the University and the Jackson County Board of Elections that

supersede, or must be adhered to in addition to, this policy.

Signage failing to meet the above conditions will result in removal, possible loss of future privileges, and charges for removal and disposal.

XI. ART IN THE PUBLIC REALM

All art installations in the public realm (both interior and exterior installations) are subject to review by the Chancellor’s Executive Council and approval by the Chancellor, typically after full discussion and recommendation by the Public Art Committee (“Committee”). For purposes of this policy, the term “art installations” excludes informational and directional signage, graphics created to display information, information, notices, and promotional materials pertaining to university conferences, events, and programs, informational banners, digital/electronic informational signs, and university maps. For purposes of this policy, the term “public realm” means any University-owned streets, pathways, right of ways, parking lots, publicly accessible exterior open spaces, and interior common areas in University buildings and facilities (such as lobbies, corridors, stairways, and elevators) located on the University’s campus or other instructional sites. Projects are brought to the Committee by the Director of the Fine Art Museum or Chief of Staff.

All art installations in the public realm shall be reviewed by the University Architect’s Office and the Associate Vice Chancellor for Facilities regarding compliance with safety, structural and code requirements. The Office of Safety and Risk Management is responsible for insurance arrangements, if any.

Membership of the Committee shall include:

The University architect;

The Associate Vice Chancellor for Facilities;

The Director of the Fine Art Museum, who shall serve as Chair;

The Dean of the College of Fine and Performing Arts;

The Chief of Staff; and

Such other members as the Chancellor determines.

Responsibilities of the Committee are to consider and make recommendations to the Executive Council regarding:

1. Temporary art installations in the public realm. For purposes of this Policy, “temporary installations” are those installed for periods of less than one (1) year in a campus-designated site reviewed periodically with the University Architect and other university officials as needed.
2. Student and alumni works temporarily displayed by the School of Art and Design, which are works installed for periods fewer than six (6) months in a site recommended by the School.

3. Permanent installations.
4. Complaints or other matters referred by the Chancellor.
5. Repair, restoration, or removal of art in the public realm.

XII. DISCLAIMER

In making its facilities available for use under this policy to individuals or groups other than University administrative units, the University assumes no obligation or responsibility for the activities of the person or group. The University reminds all users to be aware of and comply with applicable laws, including those related to safety, libel, slander, defamation, and obscenity.

XII. POLICY REVIEW

This policy shall be reviewed and revised as necessary every two (2) years.

XIV. RELATED POLICIES AND RESOURCES

University Policy #65, **“Space Management”** [</DISCOVER/LEADERSHIP/OFFICE-OF-THE-CHANCELLOR/LEGAL-COUNSEL-OFFICE/UNIVERSITY-POLICIES/NUMERICAL-INDEX/UNIVERSITY-POLICY-65.ASPX>]

University Policy #81, **“WCU General Campus Policy for Alcoholic Beverages”** [</DISCOVER/LEADERSHIP/OFFICE-OF-THE-CHANCELLOR/LEGAL-COUNSEL-OFFICE/UNIVERSITY-POLICIES/NUMERICAL-INDEX/UNIVERSITY-POLICY-81.ASPX>]

University Policy #82, **“Facilities Use Policy”** [</DISCOVER/LEADERSHIP/OFFICE-OF-THE-CHANCELLOR/LEGAL-COUNSEL-OFFICE/UNIVERSITY-POLICIES/NUMERICAL-INDEX/UNIVERSITY-POLICY-82.ASPX>]

The UNC Policy Manual 1300.8, “Free Speech and Free Expression Within the University of North Carolina”

Campus Map – Attachment “B” [</WEBFILES/PDFS/POLICY-114-ATTACHMENT-B.PDF>]

