

PROPOSED REPEAL OF: REG 07.25.12, Solicitation

Rationale: The Division of Academic and Student Affairs seeks revision of REG 07.25.12, Solicitation. Many of the provisions and requirements of this regulation are being combined and addressed in updated REG 11.55.02, Use of University Space. The provisions specific to University Housing will be provided in a webpage on the University Housing website.

Consultation Process:

LPZ 7/21/22 Senior Associate Vice Chancellor, Academic and Student Affairs authorizes transmittal of this PRR for review

SCT 7/22/22 General Counsel review

DRS 7/21/22 Vice Chancellor and Dean for Academic and Student Affairs review and repeal approval

6/7/22 Executive Vice Chancellor and Provost repeal approval (in association with approval of revised 11.55.02 of University Space)

6/28/22 Cabinet Repeal Review (in association with approval of revised 11.55.02)

8/8/22 University Council Notification



Authority	Provost and Executive Vice Chancellor
Title	Solicitation
Classification	REG07.25.12
PRR Subject	Facilities
Contact	Student Involvement (919-515-2797)

History: First Issued: 1993. Last Revised: July 15, 2016.

Related Policies:

[**NCSU REG01.20.02 - Delegation of Authority to Sign Contracts**](#)

[**NCSU REG07.25.11 - Use of University Facilities**](#)

[**NCSU REG11.55.01 – Production, Service, and Sale of Food**](#)

[**NCSU REG11.55.02 – Outdoor Assemblies, Events, and Public Addresses**](#)

[**NCSU REG11.55.04 - Painting, Sidewalk Chalking and Use of Posters**](#)

Additional References:

[**Facilities Use Agreement Form**](#)

[**Student Involvement**](#)

[**N.C.G.S. 14-159.13**](#)

N.C.G.S. 105-130.11
Internal Revenue Code Section 501 (c)(3)
North Carolina "Solicitation of Charitable Funds" Act

1. INTRODUCTION

North Carolina State University (NC State) embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. Free speech is central to the university's academic mission and it encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. The purpose and intent of this regulation is to place reasonable limitations on solicitation activities occurring on University property so that the university may fulfill its primary missions of teaching, research, and extension. This regulation provides the applicable rules and procedures for any form of solicitation at NC State.

2. DEFINITIONS

2.1 "Charitable Contribution" means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

2.2 "Charitable Organization" means an organization that has humane and philanthropic objectives, whose activities benefit humanity or a significant rather than limited segment of the community without expectation of pecuniary profit or reward and is exempt from taxation under either N.C.G.S. 105-130.11(a)(3), N.C.G.S. 105-130.11(a)(5), or Section 501(c)(3) of the Internal Revenue Code.

2.3 "Commercial Solicitation" means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.4 "Distribution" means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

2.5 "Non-Commercial Solicitation" means any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the University.

2.6 "Non-University Groups" means a group of individuals, other than Student or University Groups, that are legally separate entities from the University, even though some of the members or participants may be University personnel, alumni, or students.

2.7 "Student" means any person from the time he or she accepts admission to NC State up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by NC State.

2.8 "Student Group" means a group of students who have satisfied the university's procedures and requirements for registration or recognition.

2.9 “University Group” means an administrative or academic unit, department or center within the University.

3. GENERAL PROCEDURES

3.1 When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. The university does not impose restrictions on any forms of solicitation because of the content or viewpoint of the expression or the possible reaction to that expression. In addition, the university does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-University Groups or individuals.

3.2 Groups and individuals can reserve space in advance by contacting Student Involvement for campus outdoor space, Rave Events! for the Talley Student Union, Witherspoon Student Center, Harris Field, and Stafford Commons, or the administrator responsible for scheduling the use of the university facility where the solicitation is to take place. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Director, Student Involvement (for campus outdoor space) or the Director, University Student Centers (for Talley Student Union, Witherspoon Student Center, Harris Field, and Stafford Commons), or their designees, giving due consideration to the provisions of section 3.4 below.

3.3 Except for University-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at University-sponsored or hosted events held at Carter-Finley Stadium, Murphy Football Center, Vaughn Towers, PNC Arena and/or the parking lots surrounding these facilities.

3.4 The following apply to all forms of solicitation activities:

3.4.1 Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.

3.4.2 Groups and individuals may not block or otherwise interfere with ingress and egress into and out of University buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancellation of any University-sponsored event or activity, or by users authorized to use University facilities.

3.4.4 Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

3.4.5 Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential University processes shall not be disrupted.

3.4.6 The use of public address systems or amplified sound will not be allowed without prior approval from Student Involvement.

3.4.7 The safety of members of the campus community, collectively and individually, must be protected at all times.

3.4.8 Solicitation activities shall not damage University property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable University policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

3.4.10 Groups and individuals shall comply with the directions of University officials when enforcing these provisions.

3.4.11 Groups and individuals are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. In addition, the group or individual must collect and remove any loose, dropped, or littered materials or trash in the vicinity of the distribution area. Failure to do so may result in a charge to the group or individual for the cleanup of these materials.

3.5 Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. University Groups, Student Groups, and Students who sponsor non-university participants may be held accountable for such participant's compliance with this regulation. In addition, since non-university individuals or groups are not subject to the University's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

4. PRIORITY FOR USE

4.1 The use of space for solicitation shall be reserved according to the following priorities:

4.1.1 Consistent with the University's mission, academic classes, research, and extension activities will have the highest priority for the use of space.

4.1.2 University Group uses for activities other than academic classes, research and extension activities, will have next highest priority in the use of space.

4.1.3 Student Groups, students, and sponsored Non-University Groups and individuals will have the next highest priority.

4.1.4 Un-sponsored Non-University Groups and individuals will have the lowest priority.

4.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

5. PROCEDURES FOR NON-COMMERCIAL SOLICITATION

5.1 University Groups, Student Groups, Students and Sponsored Participants

5.1.1 University Groups, Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of campus and the common areas of the Talley Student Union and the Witherspoon Student Center, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the University or Student Group or the student sponsoring the Non-University groups or individuals must be present at all times with these participants while conducting such activity.

5.1.2 Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the university to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in a constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt the university's educational activities and essential processes.

5.2 Un-sponsored Non-University Groups and Individuals

Non-university groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Reservations will be approved on a space-available basis.

5.3 Procedures Specific to University Housing

University Groups, Student Groups, Students, and Non-University Groups and individuals may engage in noncommercial solicitation in University Housing facilities only upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired University Housing facility by contacting University Housing at least 48 hours in advance of the activity. Residents do not have to reserve space for non-commercial solicitation for the University Housing facility in which they reside.

5.3.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence or Community Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the University Housing environment.

5.3.3 Residents may engage in door-to-door non-commercial solicitation in the University Housing facility in which they reside, consistent with normal community interactions. Groups and other individuals may not conduct door-to-door solicitation.

5.3.4 Bulletin boards in University Housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint-neutral rules issued by University Housing.

6. PROCEDURES FOR COMMERCIAL SOLICITATION

6.1 University Groups, Student Groups, and Students may conduct commercial solicitation on University premises subject to the conditions below. Non-University Groups and individuals, are prohibited from engaging in commercial solicitation unless sponsored by a University Group, Student Group, or Student.

6.2 All commercial solicitation must be conducted under the following conditions:

6.2.1 Students and members of the University or Student Groups must conduct all commercial solicitation on behalf of the sponsored Non-University Groups and individuals. However, this provision shall not prohibit a University Group from contracting with Non-University Groups to conduct commercial solicitation on University premises, so long as the contract is signed by a University employee with proper signatory authority.

6.2.2 Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve outdoor space by contacting Student Involvement or a University facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

6.2.3 If the solicitation is to be conducted in a University facility the group may be required to sign a Facility Use Agreement pursuant to [**NCSU REG07.25.11 - Use of University Facilities**](#).

6.2.4 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards, as well as [**NCSU REG11.55.01 – Production, Service, and Sale of Food**](#).

6.3 Procedures Specific to University Housing

6.3.1 Non-University Groups or individuals may not conduct commercial solicitation in University Housing.

6.3.2 Fraternities, sororities and their governing councils, residence hall house councils, Inter Residence Council, and University Housing may generate funds in the residence halls or chapter facilities for programming activities consistent with their purposes. University Housing and/or Fraternity and Sorority Life may establish rules for these internal fundraising activities.

6.3.3 University Groups, Student Groups, and Students may engage in commercial solicitation to generate funds for their programming activities consistent with the stated purpose of the group, subject to the following conditions:

(a) Groups wishing to conduct solicitation must reserve space by contacting University Housing at least 48 hours in advance of the activity.

(b) Solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence or Community Director, but never in individual residents'

living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the University Housing environment.

6.4 Residents of University Housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sales purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their University employment.

6.5 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 goods or services.

6.6 Bulletin boards in University Housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by University Housing.

7. PROCEDURES FOR SOLICITATION OF CHARITABLE CONTRIBUTIONS

7.1 University Groups, Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct solicitations of charitable contributions as long as the solicitation complies with the North Carolina "Solicitation of Charitable Funds" Act. However, a member of the University or Student Group or the student sponsoring the Non-University Group or individuals must be present at all times with these participants while conducting such activity. Un-sponsored Non-University Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.3 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting Student Involvement or a University facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

7.4 If the solicitation is to be conducted in a University facility the group may be required to sign a Facility Use Agreement pursuant to NCSU REG07.25.11 - Use of University Facilities.

7.5 Food given away in connection with solicitation may not be prepared at the place of distribution, and must comply with all applicable health code standards, as well as **NCSU REG11.55.01 – Production, Service, and Sale of Food**. Goods and services offered for sale must comply with applicable State and Federal health and safety laws and regulations.

7.6 Procedures Specific to University Housing

Solicitation for charitable contributions may be carried out in University Housing, subject to the following restrictions:

7.6.1 Groups or individuals desiring to conduct the solicitation must reserve space by contacting University Housing at least 48 hours in advance of the activity.

7.6.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence or Community Director, but never in individual residents' living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the University Housing environment.

8. EXCLUSIONS

8.1 Nothing in this regulation shall be deemed to affect the activities of University Groups whose official activities include selling or promoting the sale of goods or services, taking surveys, or administering the State Employees Combined Campaign.

8.2 Nothing in this regulation shall prohibit 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, which may be limited to University uses.

REPEALED 6/28/2022