

THE UNIVERSITY OF MEMPHIS OPERATING PROCEDURES

SUBJECT: Solicitation of Funds by Non-Student Organizations

PROCEDURE NO.: 2A:09:02B

DATE: June 15, 1990

SUPERSEDES PROCEDURE NO.: 2A:09:02B

DATED: January 30, 1989

GENERAL

The purpose of this procedure is to provide guidelines for solicitation of funds on The University of Memphis campus by non-student organizations. The following guidelines have been approved by the Tennessee Board of Regents as policy and will be adhered to by The University of Memphis.

GUIDELINES

- A. Except as is otherwise permitted by this procedure, solicitation for purely commercial purposes is prohibited on all property owned or used by The University of Memphis, provided that solicitations by the University and solicitations by vendors incidental to the vendor providing services on behalf of the University pursuant to a contract between the University and the vendor are permissible. "Solicitation" will not be considered to include activities or events engaged in by affiliated groups, activities or events engaged in by affiliated groups, organizations or individuals for the purpose of raising funds to meet expenses of the group, organization or individual. The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity, and no funds shall be distributed to the officers, members, or any individual for personal profit or use. For purposes of this procedure, the following activities are not prohibited:
1. Advertising, as permitted by this procedure;
 2. Distribution or sale of commercial literature as permitted by this procedure and University Procedure No. 2A:09:04A, Literature Distribution by Non-Student Organizations.
 3. Conversations or communications between a dorm resident and a properly admitted guest notwithstanding the commercial content of the conversation or communication; provided, however, other dorm residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture; or
 4. Conversations or communications between a resident of University-owned apartments and a properly admitted guest notwithstanding the commercial content of the conversation or communication, provided the conversations or communications are confined to the specific unit of the resident inviting

the guest or other area properly reserved by the resident for such purpose.

- B. Solicitation and fund-raising activities other than for purely commercial purposes may be conducted on property owned and used by the University only by affiliated groups, organizations or individuals, or charitable organizations holding such activities with the sponsorship of the University or the State of Tennessee, or by non-affiliated groups, organizations or individuals subject to the specified registration requirements and procedures as set forth below:
1. Any group, organization or individual desiring to solicit funds must submit a written application for registration of the proposed solicitation at least fourteen (14) days in advance (excluding weekends and holidays) to the Director of Administrative and Business Services, Administration Building, Room 371. The President of the University or his or her designee, however, may approve applications filed at a later time upon determination that the request can be reasonably accommodated and that adequate cause exists for late filing of the application. Approval of late applications shall be within the sole discretion of the President of the University or his or her designee, and such decision shall be final. Applications shall be submitted on the form attached to this procedure as Exhibit A, Request for Authorization to Solicit Funds by Non-Student Organizations.
 2. Written notice of approval or disapproval of the proposed solicitation shall be made available to the applicant group, organization or individual within seven (7) days (excluding weekends and holidays) from the time an application is submitted to the Director of Administrative and Business Services. Notice of disapproval of a proposed use shall include the grounds for disapproval. Notices will not be mailed or delivered; it shall be the responsibility of the applicant to inquire at the office of the Director of Administrative and Business Services as to the decision concerning the application and the time and location at which the solicitation is authorized.
 3. A Request for Authorization to Solicit Funds by Non-Student Organizations may be denied when:
 - a. A determination by the appropriate official or body of the University is made that the solicitation would cause substantial disruption or interference with the normal activities of the University conducted in the course of its lawful mission, processes and functions;
 - b. A determination is made that the solicitation would be contrary to federal, state or local law or regulation, or policies or regulations of the Tennessee Board of Regents or of the University, including this procedure;
 - c. The requestor has not fully provided accurate or complete

information required on the Request for Authorization to Solicit Funds by Non-Student Organizations application;

- d. The requestor has been responsible for violation of subparagraphs a, b or c above during a previously approved solicitation, or has violated any conditions or assurances specified in a previous Request for Authorization to Solicit Funds by Non-Student Organizations application and the University has reasonable cause to believe such violation will reoccur;
 - e. Approval for use of the property or facilities requested for conducting such solicitation has previously been given to another group, organization or individual for the time(s) and location(s) requested;
 - f. Use of the property or facilities requested for conducting such solicitation would be impossible due to set-up time and/or take-down time required for other previously scheduled activities at the requested location immediately before and/or after the solicitation, or due to other extenuating circumstances;
 - g. The solicitation is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the solicitation, shall be proposed by the University;
 - h. The number of persons engaged in the solicitation exceeds the number that can reasonably be accommodated in the particular location applied for;
 - i. The solicitation creates or would create a danger, or dangerous condition, impacting on the health, safety, and welfare of others; or
 - j. Such solicitation conflicts or would conflict with existing contractual obligations of the University.
4. Any group, organization or individual whose timely Request for Authorization to Solicit Funds by Non-Student Organizations application is denied for reasons cited in subparagraphs a, b, d, g, h or i of paragraph B.3 above shall have the right to appeal that denial to the President of the University or his or her designee. Notice of appeal shall be made in writing during normal business hours of the University no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed solicitation. The decision of the President or his or her designee shall be made at least four (4) days before the time of the solicitation.
- C. No solicitation of charitable funds shall be permitted unless the group, organization or individual provides evidence to the University demonstrating that the proposed solicitation is in accordance with or exempt from the provisions of T.C.A. Sections 48-3-501 through 48-3-518.

- D. Solicitation in connection with the distribution of literature is subject to the provisions of University Procedure No. 2A:09:04A, Literature Distribution by Non-Student Organizations.
- E. Solicitation of dues and/or membership in an organization is permissible only by officially recognized organizations of the University.
- F. Solicitations shall only be permitted in those areas designated by the University pursuant to the following conditions:

1. No solicitations shall be conducted within:

- a. Classrooms, libraries, or other academic buildings or facilities;
- b. Administrative and employee offices and work areas; or
- c. Student residence halls, dormitories or apartment buildings.

However, the University may permit solicitations in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for solicitations.

2. The University shall designate the locations on campus which are available for solicitation of funds. In addition to those areas designated in paragraph F.1 above, the University shall prohibit solicitations in all areas where such would:

- a. Cause injury or damage to campus resources;
- b. Unreasonably impair the academic atmosphere of the campus;
- c. Unreasonably interfere with the academic program and other activities of the University, or with the administrative functions of the University; or
- d. Substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.

3. Persons engaged in the solicitation of funds on campus shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the solicitation, or misrepresent whether the product solicited is available without cost or donation.

- G. No funds solicited on University property shall inure to the benefit of any individual unless contributions are requested for the relief of an individual specified by name at the time of the solicitations, and all funds contributed are turned

over to the named beneficiary for his or her use without any deductions whatsoever.

- H. The University may require any group, organization or individual to verify the use, application or disposition of funds solicited on University property.

EXHIBIT A

REQUEST FOR AUTHORIZATION TO SOLICIT FUNDS
BY NON-RESIDENT ORGANIZATIONS

An event is not officially approved until this form has been returned to the Office of Administrative and Business Services and has received the final approval of the Vice President for Business and Finance.

Organization Name: _____ Telephone: _____
Officer Responsible For Event: _____ Telephone: _____
Address: _____
Name of Event: _____ Date: _____
Locations Desired: _____ Hours: From ___ To ___
Purpose and Description of Event: _____

Will an admission fee be charged? _____ If so, how much? _____
If not, how will funds be solicited/raised? _____
For who and/or what activity will the funds raised benefit and how? _____

Will this activity involve any University activity, department, student organization, or employee co-sponsoring this activity? () yes () no
If yes, please identify and explain: _____

Attach a copy of Request for Space (Form A) submitted to the Office of Public Service (UOM Operating Procedure No. 2A:04:03A).

- NOTE: 1. An official accounting of funds MUST be submitted to the Office of Administrative and Business Services within ten (10) working days after the close of the event.
2. The University has the right to cancel this authorization and/or close down this event should it suspect a violation of Federal, State, or local laws, or Board of Regents or University policies and procedures.
3. ACCEPTANCE: I have read the above and UOM Operating Procedure No. 2A:09:02B and understand that failure to comply with these or any other appropriate regulations may result in cancellation of this authorization and/or denial of future authorizations.

Signature of Authorized Person Date

APPROVALS:
() Approved _____

() NOT Approved Director, Administrative and Business Services Date

() Approved

() NOT Approved Vice President for Business and Finance Date