Allegany College of Maryland

SOLICITATION POLICY

Adopted date 2023
Approved by Board of Trustees 06/19/23
Implementation Date 07/01/23
Type of Policy: Optional*
*some legal requirements embedded

BACKGROUND AND PURPOSE

The College has not had a formal, college-wide policy addressing solicitation; it has had practices that have evolved over time to manage requests by persons/groups (college-affiliated and unaffiliated third parties) to solicit purchases, donations, memberships in organizations, and the like. The College's Student Handbook prohibits commercial activity on campus and details the process for student clubs/organizations to be created and to engage in fundraising. Questions often arise over whether third parties can sell products on campus, solicit customers on campus, and/or advertise on campus. Such questions also include which institutional office/official is responsible for managing such requests and any approved activities. There can sometimes be overlap with the College's First Amendment Speech and Expressive Activity Policy as well as other institutional policies and practices. The First Amendment policy clarifies what, when, and how constitutionally protected activities may occur on campus – both planned and spontaneous activities. The purpose of this policy is to create the structure and the oversight for commercial activity, business solicitation, advertising, charitable solicitation, institutional fundraising, job recruitment, military recruitment, memberships/unions, and similar activities.

POLICY

I. SCOPE OF THE POLICY

This policy applies to all Allegany College of Maryland students, employees, volunteers, interns, vendors, visitors, parents, spectators, Trustees, and/or any person who is present on any College property for any purpose. This policy also applies to any college-sponsored or college-affiliated activity at an off-campus location including but not limited to sporting events, field trips, clinical/practicum course requirements, and conferences. This policy applies while using College owned or rented equipment including technology/devices, phones, and vehicles.

II. POLICY STATEMENT

Allegany College of Maryland permits solicitation on property owned or managed by the College only as authorized by this policy and, where authorized, within the limits of reasonable time, place, and manner restrictions. Advance approval may be required. Official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices have greater flexibility to solicit on campus than external or unofficial groups. Unless required for an employee's job or for a student's class, no person may be compelled to participate in any solicitation activity.

III. DEFINITIONS

A. Academic Programs refers to instructional (credit and non-credit) class or group of educational offerings as delineated in the College's catalogs.
B. College Official refers to persons employed by the College as defined in the All-College Constitution.
C. College property means building(s) or land that is owned or managed by the College; it includes (but is not limited to) Cumberland campus, Bedford County Campus,

Somerset County site, Gateway Center, Garrett site, Western Maryland Works site, and Willowbrook Woods

D. Commercial Activity refers to:
    1. selling or renting products, goods, or services
    2. advertising a product, good, or service that is for sale/rent
E. Constituency Groups refers to:
    1. Associate Support Staff Association,
    2. Faculty Association,
    3. Professional Administrative Support Staff Association, and
    4. The elected officers for each of the three groups.
F. Distribution of materials refers to the act of delivering, sending, handing, or otherwise conveying written information or goods of any kind to any other person. It includes distribution in person, by email or electronic means, and/or by mail/delivery service,
G. Fundraising refers to any activity which is designed to seek and gather voluntary financial contributions for a specific group or purpose. Examples include:
    1. Bake sales, food sales, and similar commercial activity
    2. Direct cash collection
    3. Raffles
    4. Athletics sales and sponsorships
H. Operational Units refers to a non-instructional office or group of employees as delineated in the College's organizational framework.
I. Solicitation for purposes of this policy refers to:
    1. commercial activity
    2. collecting donations
    3. fundraising
    4. raffles
    5. advertising
    6. recruiting
J. Student Club/Organization refers to a recognized student group pursuant to the procedures established by the Student Government Association and/or Office of Student Life.
K. Unofficial Group refers to a student group that has not been recognized pursuant to the procedures established by the Student Government Association and/or Office of Student Life.

IV. AUTHORIZED SOLICITATION

A. Official solicitation activity by designated College officials are generally permitted without any prior notice or approvals.
    1. Sales including the Campus Store, Café, Culinaire Café.
    2. Fundraising by constituency groups
    3. Membership drives for constituency groups
    4. Internal advertising for an Allegany College of Maryland job
    5. Recruiting employees or students to serve on Allegany College of Maryland committees
    6. Recruiting employees or students to participate in College-sponsored educational or recreational activities or services including athletics, programs, events, and surveys
    7. Collecting donations for the ACM food pantry
    8. Fundraising and sponsorships to benefit Athletics teams
    9. Fundraising by college-affiliated foundations

10. Promoting community activities or services that are affiliated with a College program, unit, constituency group, or student club/organization.

B. Fundraising by student clubs/organizations is generally permitted in accordance with the Student Life and/or Student Government Association procedures.

C. Collecting donations for a *bona fide* charity or emergency are generally permitted without any prior notice or approvals.
   1. By employees for one-time student or employee emergencies (example: student displaced by residential fire)
   2. By employees or students for 501c3 organizations

D. Third party solicitation that is connected to or benefits a College course, program, or operational function is generally permitted without any prior notice or approvals.
   1. Recruiting employees or students to participate in activities or services including community volunteer opportunities
   2. Surveys which do not meet the criteria for Institutional Review Board
   3. Approved food vendors
   4. Approved College-sponsored events including but no limited to ACM Days and Tri-State College Night

E. Third party solicitation that is protected by local, state, or federal law is generally permitted without prior permission
   1. Membership drives for external group or organization
   2. Recruiting persons to join the military

F. Third party solicitation for other purposes may be permitted with prior permission by an authorized College Official
   1. recruiting persons for a non-Allegany College of Maryland job
   2. recruiting persons to pursue transfer or similar educational opportunities at other institutions
   3. recruiting persons to join an external group or organization that is not protected by local, state, or federal law.

G. One-time sale of personal property by a student or employee is generally permitted without any prior notice or approvals..

H. Incidental sharing of business information between individuals or by contracted business partners of the College is generally permitted without any prior notice or approvals.. Examples include:
   1. Vendors hired by the College to provide a product or service,
   2. Professionals who teach Continuing Education Courses,
   3. Employees who are asked for their non-ACM product or service business card.

I. Specific event/purpose with approval by the President is permitted.

V. UNAUTHORIZED SOLICITATION

A. Commercial advertising

B. Recruiting persons to apply/enroll at another college or university instead of Allegany College of Maryland.

C. Solicitation that violates this policy; the person(s) or group(s) may be asked to cease and desist the solicitation and/or to exit the area where the solicitation is occurring.

VI. RIGHTS AND RESPONSIBILITIES OF THE EVENT/ACTIVITY ORGANIZER(S)

A. All persons and groups must display or make promptly available identification and disclose their purpose and their organizational association(if any).

B. All persons and groups must comply with this policy's provisions and related procedures.
C. Fundraising must comply with all institutional deposit/accounting practices as well as any local, state, or federal requirements
D. Any person or group collecting donations must maintain a record of the funds collected, must secure the funds, and must provide verification that the funds were dispersed appropriately to the person/entity for whom the funds were collected.
E. Food vendors must have an approved written agreement with the designated College Administrator; the agreement must contain provisions that delineate the vendor's location on campus, verified business license, verified health/sanitation inspection, insurance, licensed drivers (if mobile), secure payment methods for non-cash customers, services the College will provide, and any fees to be paid to the College.

VII. RIGHTS AND RESPONSIBILITIES OF THE COLLEGE

A. The College must approve a planned event/activity request event/activity unless the event/activity violates this policy, violates another College policy, presents an imminent, credible threat to the community, cannot be accommodated due to space or scheduling conflicts, or is deemed unhealthy/unsafe pursuant to risk management assessment; if the event/activity request is denied, the College must notify the responsible person(s), provide the reasoning, and provide an opportunity to appeal.
B. The College may prevent an event/activity that has not obtained any required approval or cancel any permitted/approved activity/event that is already scheduled or underway if there an imminent and credible threat to the community develops that cannot otherwise be mitigated.
C. The College may not interfere with events/activities that comply with this policy.
D. The College may not make personnel or, funding/grant/procurement decisions based on the content of any solicitation event/activity that is authorized or that does not violate this policy.
E. The College may require certificates of insurance by third parties who hold approved events/activities on campus property if the event/activity carries obvious risk of injury, fire, property damage, and/or other danger to health/safety of participants or the College. The College Official who approves such an event/activity is responsible for obtaining the certificate.

VIII. TIME, PLACE, AND MANNER RESTRICTIONS

In order to maintain healthy, safe, and orderly learning as well as institutional operations, the College adopts the following reasonable time, place, and manner restrictions for any event/activity occurring under the authority of this policy:

1. Events/activities are not permitted when the College is closed.
2. Events/activities are not permitted in classrooms, study labs, libraries, or other learning spaces.
3. Events/activities may not disrupt educational activities or business operations.
4. Events/activities/products may not endanger the health or safety of any person.
5. No person may be compelled to participate.
6. Events/activities may not interfere with the free flow of pedestrian or vehicular traffic.

7. College property may not be defaced or damaged; banners, signs and the like may not be permanently affixed or attached to any College property, and they must be removed at the conclusion of the event/activity.
8. Any event/activity or product that is illegal or that promotes illegal activity pursuant to local, state, or federal law is prohibited.
9. Any event/activity or product that violates College policy is prohibited.
10. Any event/activity or product that involves or promotes smoking or tobacco use is prohibited in accordance with the College's Tobacco.
11. Any event/activity or product that involves or promotes illegal drugs is prohibited in accordance with the College's Alcohol and Drug Policy.
12. Any event/activity or product that involves or promotes alcoholic beverages is prohibited unless specifically approved by the College President in advance in accordance with the College's Alcohol and Drug Policy.
13. The person(s) engaging in authorized solicitation are responsible for the event/activity including any materials; the College is not required to provide any equipment, materials, supplies, publicity, or personnel.
14. Organizers and participants must comply with the signage/messaging and facility requirements below.
15. Participants must comply with health/safety directives from authorized College Officials or local officials

IX. SIGNAGE, MESSAGING

A. Signage is generally not permitted to be posted on doors, windows, walls, or displays except by an authorized College Official. Other signage/messaging is permitted as described below. Authorized signage shall be removed when the event/activity is concluded or is no longer needed.
B. Common bulletin boards are designated with one located in each campus building. They may be used without restriction by official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices. The posting must identify the group/person sponsoring the item. Common bulletin boards may be used by unofficial groups, third parties, and/or other entities if the item has been reviewed as compliant with this policy and approved/stamped/distributed by Public Relations & Marketing staff.
C. Individual office, unit, or academic program bulletin boards are restricted to materials posted by the authorized official. Any materials posted to these boards by any unauthorized person may be removed by the office, unit, or program personnel.
D. Electronic message boards may be used without restriction by employees and official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices. The message must be submitted to-Public Relations & Marketing staff who will follow internal procedures for posting the message.
E. College email may be used without restriction by persons who have been issued an "name@allegany.edu" or " name@student.allegany.edu "email account and by official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices in accordance with relevant College policies. (See XII.G for policies that could apply and set restrictions.)
F. Web pages within the Allegany College of Maryland website (www.allegany.edu) may be used without restriction to post information that is intended for public/external access by employees and official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices. The contents

must be submitted to Public Relations & Marketing via designated method, who will follow internal procedures for posting the contents.

G. College design, publishing, copying, and printing may be used by employees and official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices in accordance with established procedures. Third parties and outside groups are responsible for their own materials including producing any documents/publications, printing, and copying.
H. The College's official social media platforms may be used without restriction by employees and official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices. The contents must be submitted to Public Relations & Marketing via designated method who will follow internal procedures for posting the contents.
I. The College's other technology platforms including but not limited to enterprise resource planning, learning management system(s), and portals may be used without restriction by employees and official College groups such as student clubs/organizations, constituency groups, academic programs, and operational units/offices. Each person will adhere to any internal rules or procedures for posting the contents.

X. FACILITIES

A. The College may designate particular locations for events/activities as necessary for reasons of student instruction, efficient operations, administrative necessity, space, occupancy limits, or other objective needs.
B. The College may charge facility rental fee and/or assess other fees/costs as necessary – as long as the fee and process are consistent for all persons/groups. Damages to College property will be assessed as additional fee/cost to the organizer.

XI. PROCEDURES

Allegany College of Maryland shall adopt necessary procedures to implement this policy, and Allegany College of Maryland may adopt additional policies for specific compliance standards as necessary.

XII. OTHER PROVISIONS

A. The exercise of any right or activity covered by this policy by a person or group does not constitute endorsement by Allegany College of Maryland, and Allegany College of Maryland reserves its own rights under other policies. Only persons authorized to speak or act on behalf of the College may claim to represent the views of the College or use College logo, letterhead, or other copyrighted/trademarked property.
B. The College assumes no liability for the event/activity or the actions of any participant.
C. Planned protected events must be sponsored by a College employee constituency group, academic program, credit course, or recognized student club/organization. The individual or group must be identified as the sponsor or host and must comply with planning procedures including facility usage and risk assessment.
D. Spontaneous, protected events are permitted; a person or group must identify himself/herself/itself as the organizer or responsible party upon request by a College Official if communication becomes necessary or if a health or safety issue arises.
E. Events which are supported by college funds must be open to all employees and students unless seating or space capacity is limited; in such cases, the individual or group is responsible for managing occupancy and access.

F. All events, planned and unplanned, must comply with the time, place, and manner restrictions described herein.
G. Application of this document may directly or indirectly require the application of other institutional policies and procedures; nothing in this document shall be construed to prohibit the application of related policies which include, but are not limited to, the policies listed here. If the application of this document conflicts with the application of another institutional document, the College will make a good faith effort to comply with all mandates. Related policies: First Amendment Speech and Expressive Activity Policy, Technology Resources Policy, Title IX Policy, Non-Discrimination Policy, Personnel policies/procedures, Facility Use Policy and Procedures, Social Media Guidelines and Procedures, FERPA Policy, Drug and Alcohol Policy, Tobacco Policy, Code of Student Conduct, Safety Risk Policy,

XIII. ADMINISTRATION OF POLICY

The Dean of Student & Legal Affairs is responsible for the implementation, administration, and oversight of this policy in consultation with other College Officials and/or General Counsel as needed. Questions, concerns, and reports of non-compliance should be promptly reported to the Office of Student & Legal Affairs or Human Resources.

XIV. ENFORCEMENT

Violations of this policy will be enforced via the Code of Student Conduct (students), Human Resources procedures (employees), and/or the Safety Risk Policy (visitors, third parties)

XV. CHANGES

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.