

PIERPONT COMMUNITY AND TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY #62
TITLE: CAMPUS SOLICITATION

Effective Date: September 19, 2017

Amended:

Repealed:

SECTION 1: PURPOSE

1.1 The purpose of this procedure is to establish a protocol regulating solicitation on the campuses of Pierpont Community & Technical College (Pierpont) in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

1.2 As part of this policy, the policy is entitled to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the West Virginia Constitution. Pierpont Community & Technical College encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

1.3 Pierpont Community & Technical College 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 Pierpont's properties so that the college may fulfill its primary mission to provide opportunities for learning, training, and furthering education that enrich the lives of individuals. This policy provides the applicable rules and procedures for any form of solicitation on campus.

SECTION 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 a person who is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization, or any person who solicits or obtains contributions solicited from the public for charitable purposes, or any person who in any manner employs any appeal for contributions which may be reasonably

interpreted to suggest that any part of these contributions will be used for charitable purposes. A chapter, branch area, office or similar affiliate or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state is a charitable organization for the purposes of this article.

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 College.

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

2.7 “Student” means any person from the time he or she accepts admission to Pierpont 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 Pierpont.

2.8 “Student Group” means a group of students who have satisfied Pierpont’s procedures and requirements for registration or recognition.

2.9 “Institutional Group” means an administrative or academic unit, department or center within Pierpont.

SECTION 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. Pierpont 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, Pierpont does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-Institutional Groups or individuals.

3.2 Groups and individuals can reserve space, in advance, by contacting the Falcon Center Activities Center for the Falcon Center and Locust Avenue campus outdoor space, or the administrator responsible for scheduling the use of the 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 of the Falcon Center, or his/her designee, giving due consideration to the provisions of section 3.4 below.

3.3 Except for institutional-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at Pierpont-sponsored or hosted events held at the Falcon Center and/or the parking lots surrounding this facility.

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 of institutional buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancelation of any Pierpont-sponsored event or activity, or by users authorized to use the College's 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 Pierpont Community & Technical College 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 Falcon Center.

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 College property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable institutional 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 Pierpont's officials when enforcing these provisions.

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. Institutional Groups, Student Groups, and Students who sponsor non-institutional participants may be held accountable for such participant's compliance with this regulation. In addition, since non-institutional individuals or groups are not subject to Pierpont's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

SECTION 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 Pierpont's mission, to provide opportunities for learning, training, and furthering education, will have the highest priority for the use of space.

4.1.2 Institutional groups' uses for activities other than providing opportunities for learning, training, and furthering education, will have next highest priority in the use of space.

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

4.1.4 Un-sponsored Non-Institutional 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.

SECTION 5: PROCEDURES FOR NON-COMMERCIAL SOLICITATION

5.1 Institutional and Student Groups, Students, and Sponsored Participants

5.1.1 Institutional and Student Groups, Students, and their sponsored Non- Institutional Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of the campus and the common areas of the campus, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the College 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 college to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt Pierpont's educational activities and essential processes.

5.2 Un-sponsored Non- Institutional Groups and Individuals

Non-institutional 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 Campus Housing

Institutional and Student Groups, Students, and Non- Institutional Groups and individuals may engage in non-commercial solicitation in campus housing facilities upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired campus housing facility by contacting Pierpont Community & Technical College/Fairmont State University Housing Office at least 48 hours in advance of the activity. Students who reside in campus housing do not have to reserve space for non-commercial solicitation for the 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 Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the campus housing environment.

5.3.3 Students who reside in campus housing may engage in door-to-door non-commercial solicitation in the campus housing facility in which they reside, consistent with normal community interactions. The following organizations may be permitted to engage in scheduled and pre-approved door-to-door canvassing of residence halls: Student representatives of the Student Government Association (SGA) and student candidates for office of the SGA. Representatives of the above groups must follow established procedures for scheduling access to halls and apartment buildings, and checking in with building staff. For further inquiries about scheduling access for canvassing in the residence halls, please contact the Housing Office at 304-367-4216.

5.3.4 Bulletin boards in campus housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint neutral rules issued by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 6: PROCEDURES FOR COMMERCIAL SOLICITATION

6.1 Institutional and Student Groups, and Students may conduct commercial solicitation on College premises subject to the conditions below. Non-Institutional Groups and individuals are prohibited from engaging in commercial solicitation unless sponsored by an Institutional 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 College or Student Group must conduct all commercial solicitation on behalf of the sponsored Non-Institutional Groups and individuals. However, this provision shall not prohibit an Institutional Group from contracting with Non-Institutional Groups to conduct commercial solicitation on College premises, so long as the contract is signed by a Pierpont 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 Falcon Center or a Pierpont 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 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards.

6.3 Procedures Specific to Campus Housing

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

6.4 Residents of campus housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sale 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 Institutional 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 pursuing the invitee's goods or services.

6.6 Bulletin boards in campus housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 7: PROCEDURES FOR SOLICIATION OF CHARITABLE CONTRIBUTIONS

7.1 Institutional and Student Groups, Students, and their sponsored Non-Institutional Groups and individuals may conduct solicitations of charitable contributions. However, a member of the Institutional or Student Group or the student sponsoring the Non-Institutional Group or individuals must be present at all times with these participants while conducting such activity. Un-sponsored Non-Institutional Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.2 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting the Falcon Center or a campus 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.

7.3 If the solicitation is to be conducted in a campus facility the group may be required to sign a Facility Use Agreement.

7.4 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. Goods and services

offered for sale must comply with applicable State and Federal health and safety laws and regulations.

SECTION 8: EXCLUSIONS

8.1 Nothing in this regulation shall be deemed to affect the activities of Institutional Groups whose official activities include selling or promoting the sale of goods or services or taking surveys.

8.2 Nothing in this regulation shall prohibit Pierpont from barring solicitation on Institutional property that are non-public forums. These areas are not traditionally open to the public for speech, such as libraries, office space, residence halls, laboratories, and classrooms, which may be limited to Institutional uses.