



STANDARD ADMINISTRATIVE PROCEDURE

21.99.09.M0.03 Access to University Property for Sales and Solicitations

Approved December 21, 1996

Revised August 14, 1999

Revised September 23, 2014

Revised August 11, 2022

Next scheduled review: August 11, 2027

Procedure Statement

The President of Texas A&M University has delegated the authority to approve all sales and solicitations on university property (excluding University Auxiliaries, contracted vendors and approved partners who lease University property) to the University Sales & Solicitations Committee.

Definitions

University property – Defined as all University-owned property, including main campus, west campus, Hensel Park, University operated/owned residences including White Creek and the Gardens Apartments, Research Park, athletic venues and facilities, and all Texas A&M Health Science Center campus locations. The George H.W. Bush Presidential Library building is considered federal property, but the grounds surrounding the library building are university property.

Consideration – An inducement to enter an agreement. Some right, interest, profit, or benefit, or some forbearance, detriment, loss, or responsibility given or undertaken by parties to the transaction, including funds, gratuities, or contributions. Personal information may be treated as a form of consideration.

Sales and rentals – The offer to transfer goods to, or render services for, another, whether for immediate or future delivery, in exchange for funds, pledges, contributions, or other consideration.

Soliciting Donations – The collection of funds, pledges or contributions by individual, group or entity without requiring consideration in return. This also includes the promise of future funds, pledges, and/or contributions.

Transaction – An exchange of consideration (e.g., funds, pledges, or contributions) between two or

more persons or entities for the purposes of consummating a sale, rental or exchange.

Unaffiliated Third-Party – For the purposes of this procedure, the following are affiliated with the university: faculty, staff, or students acting on behalf of a student organization, department, college, or division, or other university-affiliated entities like the Texas A&M Foundation, Association of Former Students, and 12th Man Foundation. Any other individual, organization, or group is an unaffiliated third-party.

Official Procedure/Responsibilities/Process

1. PERMITS

- 1.1 University recognized student organizations, departments, colleges and divisions wishing to solicit donations, or to make sales and/or transactions are required to obtain written permission from Student Activities or the Sales and Solicitations Committee prior to the beginning of this activity.
- 1.2 The Texas A&M University Sales and Solicitations Committee, which is convened by the Division of Student Affairs, is responsible for granting permission for soliciting donations or sales on campus. The Sales and Solicitations Committee is composed of faculty, staff, and student representatives from the University Community.
- 1.3 Sales and Solicitations permit request forms are available on the Department of Student Activities website. Applicants should submit their requests to the Department of Student Activities at least five (5) full business days prior to the requested date for beginning operations.
 - 1.3.1 Sales and Solicitations permits are limited to five (5) days in a calendar month to provide equal access to all organizations.
 - 1.3.2 A copy of Texas State Sales and Use Tax Permit must be on file if the concession involves a sale of any kind.
 - 1.3.3 No Sales and Solicitations permit is required if:
 - 1.3.3.1 Students, faculty, or staff advertise personal items (i.e., “for sale” or “want to buy”) on bulletin boards designated for that purpose; or
 - 1.3.3.2 A recognized student or University organization (including residence halls) sells certain selected items to its members ONLY within the confines of a reserved space.
- 1.4 Copies of Sales and Solicitations Guidelines are available from the Department of Student Activities.

- 1.5 A request for a Sales and Solicitations permit may be rejected or revoked by the University Sales and Solicitations Committee if at any time the act of soliciting donations, selling, renting, or executing transactions disrupt the normal activities on the campus.
 - 1.5.1 Justifiable reasons for rejections or revocation may include, but are not limited to, failure to comply with the basic requirements as outlined in this procedure, faulty merchandise, complaints from or inconvenience to other members of the University, soliciting donations, selling, renting or executing transactions outside of authorized areas, unsanitary conditions or procedures, misrepresentation, falsification of information on the permit requests application, interference with the educational mission of the university, interference with normal traffic flow and use, or blocking ingress or egress.
 - 1.5.2 Further disciplinary action beyond rejection or revocation of the concessions permit may include not permitting the student or University organization/entity to request Sales and Solicitations permits for a specified time or recommending that student(s), faculty, or staff involved in a Sales and Solicitations Guidelines infraction be charged with a violation of University Rules and therefore be subject to disciplinary action.
- 1.6 If at any time the act of soliciting donations, selling, renting or executing transactions disrupts the normal activities on the campus, those organizations or individuals will be requested to cease their actions and, when appropriate, to leave the campus. Should they refuse to cease their actions, or to leave, if requested to do so, they will be informed that they are trespassing on state property. Those authorities having jurisdiction will be called upon to remove such violators or take other appropriate action.

2. UNAFFILIATED THIRD-PARTY

- 2.1 Sales and Solicitations permits will not be issued to unaffiliated third parties. If an unaffiliated third-party seeks to make sales on campus it should follow the process for contracted vendors outlined by the Department of Contract Administration.

3. ALCOHOLIC BEVERAGES

- 3.1 Advertisement or promotion of alcoholic beverages is prohibited except as permitted by University Rule 34.03.99.M0.01.

4. COMMERCIAL SPEECH

- 4.1 Commercial speech is protected by the First Amendment. Commercial speech includes advertising or promoting products or services. The university *cannot* limit any seller's right to advertise or promote products or services (including price information) in "traditional public forums" or "designated public forums" (see

Appendix XI in the TAMU Student Rules at <https://student-rules.tamu.edu/append11/>). The university *can* regulate advertising and promotional speech in these forums that is false, misleading, or offering illegal goods or services.

- 4.2 The university *can* limit or prohibit a seller from advertising or promoting products and services in “limited public forums” and “non-public forums” (see Appendix XI in the TAMU Student Rules at <https://student-rules.tamu.edu/append11/>). The university *can* limit or prohibit a seller from engaging in transactions in any forum by requiring adherence to established university rules such as those outlined in this rule.

Related Statutes, Policies, or Requirements

[System Regulation 21.99.09 Access to System Property for Sales, Rentals and Soliciting Donations](#)

Contact Office

Office of Vice President for Student Affairs
(979) 845-4728