

**UNF Board of Trustees**

September 18, 2003

**Issue:** Commercial Activity Rule

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**Proposed action:** Approval

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**Background information:**

Attached is a recommended rule on commercial activity. The purpose of this rule is to regulate commercial activity on campus in order to preserve the educational mission of the University, prevent unnecessary distraction during classes and study periods, provide for the safety of University students, faculty, and staff, and to protect the property of student, faculty, staff, and the University. This rule has been vetted by legal counsel, by the President's executive staff, and has been reviewed by the Educational Policy Committee.

UNF's administration held an open forum on the rule for the University community and other interested parties. Upon approval by the Board of Trustees, the rule will be sent to the Joint Administrative Procedures Committee (JAPC) in Tallahassee for a final review prior to University publication of the rule. This process can take from 90 to 120 days.

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Attachments: Proposed rule

Florida Administrative Code Annotated

Title 6. Department of Education

Subtitle 6C 9. Division of Universities, University of North Florida

Chapter 6C 9-7. Public Functions

6C 9-7.010 Commercial Activity; Selling of Merchandise, Activities Involving Off-Campus Vendors.

(1) For the purposes of this rule, the following definitions shall apply:

(a) "University groups and organizations" are defined as officially constituted colleges, schools, divisions, departments, agencies, and other corporate organizational units which are a part of or operate on behalf of the University, including but not limited to, direct support organizations, foundations, and alumni organizations officially recognized by the University, and student organizations, other societies, fraternities, and sororities officially registered or recognized by the University.

(b) "University persons" are defined as students and employees of the University, including faculty members, administrative and professional (A & P), University Support Personnel System (USPS) and Other Personnel Services (OPS) personnel.

(c) "University related groups and organizations" are defined as those that although not officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (a) above, are related to the University because of the promotion of interests of the University community, the academic professions, and other related interests of the faculty, staff, or students, or which offer other services to the University community, such as credit unions, academic professional associations, professional fraternities/sororities, employee

organizations, charitable community organizations, other public educational institutions, and the like.

(d) "Non-University persons, groups, and organizations" are defined as persons, groups, and organizations which do not meet the definitions of persons, groups, and organizations in paragraphs (a-c) above including, but not limited to, those groups and organizations which exist primarily for the purpose of carrying on commercial activity for profit, or which otherwise exist primarily for private individual gain or benefit.

(2) The regulation of commercial activity on the campus is necessary in order to preserve the educational mission of the University, to prevent unnecessary distraction during classes and study periods, to provide for the safety of University students, faculty, and staff members, and to protect the property of students, faculty, staff, and the University.

(3) Except in accordance with this rule, solicitors and tradespeople, including students, faculty, and other University personnel, are prohibited from entering the grounds or buildings of the University for the purpose of conducting commercial activity with students, faculty, other personnel, or visitors.

(4) The term "commercial activity" shall mean any act or event that results in direct financial gain to the salesperson, individual(s) or organization(s).

(5) The following activities shall not be prohibited "commercial activity" pursuant to this rule:

(a) The sale of merchandise by University budgetary units or commercial activity pursuant to a contract between the University and a vendor that provides goods or services to the University community.

(b) Solicitation and collection of funds or the sale of merchandise or printed material by University groups and organizations for the benefit of any charitable institution or organization as defined in § 501(c)(3) of the Internal Revenue Code of the United States or for the benefit of programs and/or projects sponsored by a University group or organization, in accordance with paragraph (6) below.

(c) The solicitation of membership or the collection of dues from members of a University group or organization that inure to the benefit of that organization, in accordance with paragraph (6) below.

(d) Contact between a salesperson and a University group or organization or University persons that was invited by the individual person or organization involved for his or her or its benefit and not to involve persons not associated with the person or organization.

(e) The distribution or sale of printed material pursuant to the requirements of Rule 6C 9-7.015, F.A.C.

(6) University groups and organizations as well as the University persons, University related groups and organizations, and non-University persons, groups, and organizations they sponsor may conduct fundraising/solicitation activities only under the following conditions:

(a) University groups and organizations conducting solicitation/fundraising activities pursuant to sections 5 (b) and 5 (c) of this rule must receive a signed Solicitor's Permit from the Office of Student Life prior to conducting their solicitation/fundraising activities. Request forms for Solicitor's Permits are available from the Office of Student Life and must be submitted at least two weeks prior to the first date of solicitation.

(b) University persons, University related groups and organizations, and non-University persons, groups, and organizations may seek the sponsorship of University groups

and organizations to conduct permissible commercial activity on campus pursuant to this rule. Such vendors should contact the Office of Student Life at least three weeks before the first date the vendor plans to conduct solicitation activities so that that Office may seek a sponsoring organization for the vendor's application for a Solicitor's Permit. If a sponsoring organization is located, the Office of Student Life will evaluate each application and grant a Solicitor's Permit if it determines that granting the Solicitor's Permit will not infringe on the rights of existing contractors and that the solicitation will benefit the University, a unit thereof, or a charitable organization.

(c) University groups and organizations are permitted to sell food products only in accordance with the University Bake Sale Policy, No. 94-024 or by special permission from the Office of Environmental Health and Safety.

(d) The University will revoke a Solicitor's Permit if the solicitor acts in a disorderly or improper manner that disrupts the educational function of the University. Any solicitor failing to show a valid Solicitor's Permit may be removed from campus at the request of the University Police Department. Any person or organization that fails to comply with the requirements of this rule or violates the standards, policies, or rules of the University may lose his/her/its privileges to conduct solicitation/fundraising activities on campus and/or be subject to other appropriate penalties.

(e) Solicitor's Permits are valid only for the time and location requested and approved. In order to ensure the effective educational function of the University, the University will restrict the times, duration, frequency, and quantity of Solicitor's Permits issued. Solicitor's Permits will be issued in the order the request meeting the requirements of this rule is received in the Office of Student Life. The University provides the Courtyard areas as the primary locations

for solicitation/fundraising activities, and it will provide other areas of campus for such activities only in unusual circumstances.

(7) Off-campus licensed food service caterers may provide food and beverage service for special events when sponsored by a University group or organization in University buildings not restricted under the terms of the University food service contracts. The following buildings are restricted for University foodservice contractors' use only: the University cafeteria, the Gray & Blue Cafe, Outtakes, Alumni Cafe, Sbarro's, the Food Cart, the Grill, and Wackadoo's.

Sponsoring groups who wish to utilize off-campus caterers should assure that the caterer has an appropriate foodservice license and liability insurance. The sponsoring groups should also see that state laws and University regulations are followed if alcoholic beverages are to be part of the service and follow University requirements for review and approval of food service contracts.

(8) This rule shall not prevent off-campus Jacksonville licensed food vendors from receiving and filling specific short-order food and beverage requests from University persons for direct delivery to campus addresses. Except as provided in paragraph (7), alcoholic beverages or food prepared and sold by other than licensed vendors, and sale items in direct competition with contract vendors or University budgetary units shall not be sold on campus.

(9) The provisions of this rule do not apply to commercial activities conducted at the University of North Florida's University Center.

Specific Authority 1001.74 (4) FS.

Law Implemented 1001.74 (6) FS.

History -- New 11-25-82, Formally 6C 9-7.10, Amended 9-8-88.