



<b>Originating Office:</b>	Student Service
<b>Responsible Executive:</b>	Vice President for Marketing, Inrollment, and Student Services
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# Sales and Solicitation

## Policy Contents

<b>I. Reason for this Policy</b> .....	<b>1</b>
<b>II. Statement of Policy</b> .....	<b>1</b>
<b>III. Definitions</b> .....	<b>1</b>
<b>IV. Procedures</b> .....	<b>3</b>
<b>V. Related Documents, Forms and Tools</b> .....	<b>4</b>

## I. REASON FOR THIS POLICY

In order to complement and adhere to the South Dakota Board of Regents Policy 3.7 regarding Commercial Solicitation of Students, the University of South Dakota (USD) ensures that students have reasonable access to commercial information and to commercial transactions that are consistent with the educational mission of USD.

## II. STATEMENT OF POLICY

Sales and Solicitation on USD property is strictly prohibited without authorization from the Muenster University Center Administration. A copy of the authorized Sales and Solicitation form must be displayed at all times while on campus. The Sales and Solicitation form may be picked up at the information desk located on the first floor of the Muenster University Center.

All sales and solicitations in the public areas of the Vermillion campus of the University of South Dakota will be restricted to the appropriate areas inside or near the Theodore R. and Karen K. Muenster University Center with the exception of number 12 in Procedure section of this policy and must be approved by the Muenster University Center Administration.

- A. Sales and solicitations will be limited according to time, space, and manner as approved by the University. No group may reserve an area for more than five (5) consecutive

business days. The Muenster University Center Administration may deny an application for sales and solicitation when they appear to conflict with another previously scheduled program.

- I. All sales and solicitation will be limited to Monday through Friday, during the hours of 9:00 a.m. – 7:00 p.m. No sales or solicitations will be allowed the week of finals.
- II. All vendors must tear down displays daily. There is no place to store any items. Any items left behind are subject to removal by Muenster University Center Administration.
- III. Areas available for sales and solicitation:
  - a. Muenster University Center
  - b. Muenster University Center Courtyard
  - c. I.D. Weeks Library Courtyard

Items sold, distributed or solicited on university property are the responsibility of the vendor, and do not imply any relationship with, or official sanction by, the University of South Dakota. All sales activities must comply with state and federal laws governing such transaction and with all relevant Board policies. No sales involving obscene or unlawful goods or services shall be permitted. This includes anything with the potential to harm others, or that violates the Student Code of Conduct, or Diversity and Inclusiveness Statement. Vendors may not employ advertising or sales techniques that involve deception, fraud, misrepresentation, obscenity, use of unlawful materials, equipment, performances or conduct, or use of other materials, equipment, performances, or any manner of conduct, that unreasonably interferes with the usual and customary operations, activities, use and enjoyment of the Muenster University Center.

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### III. DEFINITIONS

Approved vendors/organization: is defined as a vendor or organization that is not operated by or affiliated with the university and has completed the Sales and Solicitation Policy Form, has a reservation for the event on file, and the Muenster University Center administration has deemed their presence consistent with USD mission. This includes for-profit and not-for-profit groups.

Recognized student organization: is defined as an organization that has gone through the approval process of the USD Student Government Association (SGA).

Sales: as defined by USD, is offering products or services in return for monies, goods, or other services.

Solicitation: as defined by USD, is asking for a donation or contribution of monies, goods or services or making a request or plea. Soliciting includes, but is not limited to: distributing or promoting through advertising any material; passing out literature; affixing posters or literature

on bulletin boards as well as directly requesting donations, contributions, support or membership from individuals or groups.

University affiliated group: is defined as a group or an organization that is operated by, or affiliated with the University. This also includes faculty and staff groups.

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## IV. PROCEDURES

1. Recognized student organizations, university affiliated groups, approved vendors and candidates for Student Senate or the Student Government Association administration may make reservation with the Muenster University Center Scheduling Office to use information tables, in the approved locations, for soliciting support for their organization, cause, or to sell approved items.
2. Anyone wishing to sell items must complete a **Sales and Solicitation Form** (available in the Muenster University Center/Scheduling Office or online at: <http://www.usd.edu/student-life/muc/policies-and-forms> and make a reservation at least five (5) days prior to the event.
3. For-Profit organization or vendors are prohibited from soliciting or selling items and/or services on university property without the sponsorship of a recognized student organization or USD administration. Each outside agency entering into this solicitation agreement will guarantee its sponsoring organization or USD administration or minimum of \$50.00 per day or 15% of gross sales, whichever is greater. Checks should be made payable to the sponsoring student organization or to USD.

In those instances where payment is based on percentage of sale, the vendor shall provide detailed documentation supporting gross sales revenue. Gross sales is defined as all sales revenue generated under the sales activity described above, less applicable State of South Dakota sales tax. Payment shall be made by the vendor to the Scheduling Office at the closing of the solicitation or sales event, but no later than 4:30 p.m.

4. There will be no solicitation of credit cards.
5. The distribution of flyers placed on vehicles is strictly prohibited
6. All federal and state laws, city ordinances and university regulations must be followed. This includes filing for a sound permit, if applicable. City ordinances can be found on the City of Vermillion's website: <http://www.vermillion.us>.
7. Patrons of the university may not be approached physically or verbally in a manner such that their normal progress is impeded or diverted.
8. The sales and distribution of any item that would infringe upon, or in any way violate, a legal trademark or copyright will be prohibited. Exceptions will be granted only with the express written consent of the trademark or copyright holder.
9. Organizations or vendors may not sell paraphernalia sold by any of USD contract partners due to the exclusive nature of those contractual agreements. Special exceptions may be granted by the Muenster University Center Administration.

10. Individuals and organization vendors, despite their profit or non-profit status, must collect state and local sales tax on goods and services that are sold to consumers. It is the responsibility of the vendor to obtain a sales tax license before the start of sales and remit the appropriate amount due directly to the State Revenue Department.
11. Solicitation in the residence halls is subject to the policies as published by the Office of University Housing.
12. Minor fundraising activities, such as sales, raffles, etc. for service and student organizations are allowed in other buildings on campus with prior approval of the Muenster University Center Administration.
13. Groups, vendors or organizations agree to hold harmless and indemnify the State of South Dakota, the South Dakota Board of Regents, the University of South Dakota, their officers, agents or employees from and against any and all actions, suits, damage, liability, or other proceedings that may arise as a result of the negligence, misconduct, error or omission of the State of South Dakota, the South Dakota Board of Regents, the University of South Dakota, their officers, agents or employees.
14. Groups, vendors or organizations expressly assume full responsibility for any and all damages or injuries which may result to any person or property by reason of or in connection with the use of the facilities pursuant to this agreement, and agree to pay the State for all damages caused to the facilities or grounds resulting from their activities hereunder. Group/vendor/organization represents that its activities, pursuant to this agreement, will be supervised by adequately trained personnel, and that all safety rules for the facility and the activity will be observed. The University of South Dakota and the Muenster University Center has no duty to and will not provide supervision of the activity.
15. The University of South Dakota and the Muenster University Center reserves the right to eject any objectionable person or persons from the premises upon the exercise of the authority through any agent or police personnel. Group/vendor/organization hereby waives any right to claim for damages.
16. The University of South Dakota and the Muenster University Center will be excused from performing any obligation or undertaking provided in this agreement in the event, and for so long as, the performance of any such obligation is prevented or delayed, retarded or hindered by an act of God, fire or earthquake, flood, explosion, actions of the elements, war, insurrection, strikes, walk-outs, action of labor, unions, condemnation of laws, orders of government or civilian and military authorities, or any other cause not within the reasonable control of the University, which shall render the performance of this agreement impracticable. USD will not be liable for any damage caused thereby, and this agreement, at the option of the university, may be terminated and the unearned portion of any amount paid upon the execution of this lease agreement will be returned to the group/vendor/organization.
17. Each University Center will have their own policy consistent through these guidelines. This specific policy only applies to the University of South Dakota Vermillion Campus.

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## V. RELATED DOCUMENTS, FORMS AND TOOLS

The Sales and Solicitation form may be obtained at: <http://www.usd.edu/student-life/muc/policies-and-forms>

University Housing Website: <http://www.usd.edu/campus-life/student-services/university-housing/>.

The Student Handbook may be obtained online at: <http://www.usd.edu/student-life>

The SDBOR Policy Manual may be obtained online at <http://www.sdbor.edu/policy/policymanual.htm>.

**\*A copy of the authorized Sales and Solicitation Form must be displayed at all times while on campus\***