

University of Louisiana System

**Title: ADVERTISEMENT,
PROMOTIONS AND
SOLICITATION**

Effective Date: August 1, 2003

Cancellation: October 29, 1999

Chapter: Finance and Business

Policies and Procedures Memorandum

Campus policies, at a minimum, shall include the following:

- I. Statement of Purpose
- II. Explanatory comments:
 - A. Facilities and premises, both on- and off-campus, that are covered by this policy
 - B. Commercial/non-commercial
 - C. University-related/University-sponsored/outside (non-University related or sponsored)
 - D. Advertisement/promotion/solicitation for purposes of seeking support, funds, sales, members, etc.
 - E. Vendors and solicitors: those who engage in advertisement, promotion, and/or solicitation
- III. Principles governing advertisement, promotion and solicitation regulations:
 - A. Advertisement, promotion and solicitation, whether written, oral, or electronic, are forms of speech that may be either commercial or non-commercial in nature.

- B. Restrictions or prohibitions may be placed on such speech depending on the type of forum in which the speech is expressed, as follows:
 - 1. Public forum - areas open to the public such as roadways or sidewalks that run through or alongside a campus and which regularly conduct traffic the destination of which is not necessarily the University. In these areas, promotion, advertising, and solicitation are generally protected under the U.S. Constitution, and may not be prohibited.
 - 2. Limited-purpose forum - areas open to the public for certain limited purposes relating to the educational function of the University. Examples include a theater or library, or a walkway or outdoor area that predominantly students, faculty or staff frequent by tradition. In such areas, Universities may limit non-University-related promotion, advertising, and solicitation by imposing reasonable time, manner, and place restrictions.
 - 3. Non-public-forum - areas of a University that are reserved for the specific purposes for which a University exists: teaching and learning. In such non-public areas, the University may prohibit all promotion, advertising and solicitation. Examples include classrooms, faculty offices, or rooms in residence halls.
 - C. If speech that constitutes promotion, advertisement or solicitation clearly disrupts the learning environment, it may lose its constitutional protection; for example, when vendors or solicitors completely block entrances or sidewalks, play extremely loud messages from a sound truck in an area near classrooms, or cause litter to be strewn over a parking lot. In such cases, steps may be taken to remove the source of the disruption, but staff must always be mindful of where the speech is expressed (what type of forum), and must respect the level of constitutional protection that the area offers.
 - D. Decisions about restricting or prohibiting advertisement, promotion or solicitation on campus must not be based solely on the content of the message.
 - E. Faculty, staff, and students engaging in advertisement, promotion or solicitation that is not related to the University's functions or to their role within the University should be treated as outside vendors or solicitors.
- IV. Statement or publication outlining policy and procedures for obtaining permission to advertise, promote or solicit, to include:
- A. Person who administers the process
 - B. Steps to register
 - C. Prohibited conduct
 - D. Areas where solicitation, etc. is allowed
 - E. How many times per semester/year solicitation is allowed

- F. Statement of non-endorsement and non-guarantee of service or product by the University
 - G. Type and amount of insurance required, naming University as an additional insured or holder or certificate; indemnification agreement
 - H. Fee schedule for commercial/non-commercial, for-profit/non-profit, university-related or sponsored groups and activities; if fees may be waived, by whom and for what reasons
 - I. Penalties for violation of policy and/or procedures, which may include banishment from campus, denial of solicitation opportunity, payment of damages, fine, etc.
- V. Contract/agreement between University and advertiser, promoter or solicitor, etc.
- A. To be in writing, signed by both parties, and filed in office of procedure's administrator
 - B. To contain a listing of prohibited conduct:
The vendor/solicitor must not:
 - 1. Leave the designated area to solicit
 - 2. Use loud language to attract the target's attention
 - 3. Block passageways or sidewalks
 - 4. Leave litter
 - 5. Place flyers on automobiles or campus buildings
 - 6. Offer giveaway items in exchange for signatures or acceptance of the offer
 - 7. Violate any other advertisement regulations that exist on campus
 - C. To contain statement of non-endorsement and non-guarantee by University
 - D. To state agreement to abide by rules stated in publication described in IV above
 - E. To state penalties for violation of agreement

The following policies and procedures apply specifically to credit card vendors:

- I. Definitions pursuant to R.S. 9:3578.2
 - A. College campus means the premises and grounds of an institution of postsecondary education.
 - B. Commissioner means the commissioner of financial institution.
 - C. Credit card means a writing, number, or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.
 - D. Institution of postsecondary education means any institution under the management of the Board of Supervisors for the University of Louisiana System et al.

- E. Solicitation means an act of asking, enticing, or requesting a student to read, review, or consider materials relating to an application for a credit card or to complete an application for a credit card.
 - F. Student means a person who is under twenty-one years of age and who attends an institution of postsecondary education, whether enrolled on a full-time or part-time basis.
- II. Registration by vendor pursuant to R.S. 9:3578.3
- A. Prior to engaging in the solicitation of a student on a college campus, a credit card issuer shall register its intent to solicit the student for that purpose with an appropriate official of the institution of postsecondary education.
 - B. The registration shall include the principal place of business of the credit card issuer and shall be in such form as required by regulation of the commissioner.
- III. Pursuant to HR 23 of the 1999 Regular Session *and HCR 37 of the 2003 Regular Session*, to provide information on consumer credit and the dangers of credit card debt to college students and their parents as follows:
- A. Requirement that ~~credit card solicitors, etc.~~ *campuses* provide consumer credit information and information about credit card debt to college students and their parents, particularly during the admissions process and freshman orientation and also to disseminate such information on campus in any other manner deemed appropriate by the institution.
 - B. Provided information shall include consumer awareness information regarding good credit, sound money management, and the potential impact of credit card debt on personal finances and future employment, information about obtaining student loans to complete undergraduate, graduate, and professional school, as well as reputable resources which offer consumer credit information or counseling without charge or for a modest fee.
- IV. Dissemination of information pursuant to R.S. 17:3351.2.
- Institutions shall not:
- A. Permit the dissemination of solicitations, advertisements, applications, or information concerning consumer credit cards, as defined in R.S. 9:3516(15), to undergraduate students during registration for classes.
 - B. Permit any employee of the institution to disseminate solicitations, advertisements, applications, or information concerning consumer credit cards, as defined in R.S. 9:3516(15), to undergraduate students at any time.
 - C. Provide to an extender of credit, as defined in R.S. 9:3516(18), for compensation or consideration of any kind any student information.

- V. If a university allows credit card vendors on campus to solicit, then the university shall limit the number of credit card solicitors to no more than two trademark vendors per year, and allow each vendor to solicit on campus no more than once per year. Institutions shall select vendors according to a University approved plan.

Policy References:

RULES of the Board of Supervisors for the University of Louisiana System
Louisiana Revised Statutes
University of Louisiana System's University Catalogs

Review Process:

Chief Officers for Student Affairs
Vice Presidents for Business and Finance
Board of Supervisors
University Presidents
Legal Counsel

Distribution:

University Presidents