
Procedure Title: Public Solicitation
Procedure Number: 06-2005-0002
Board Policy Reference: IV.A. General Executive Direction
NWCCU Standard:

Accountable Administrator: President
Position responsible for updating: President
Original Date: 12-21-05
Date Approved by Cabinet: 10-14-08
Authorized Signature: *Signed original on file*
Date Posted on Web: 10-28-22
Revised: 09-08 **Reviewed:** 01-22

Purpose/Principle/Definitions:

Blue Mountain Community College recognizes the right of its students to familiarize themselves with divergent points of view and to associate with whomever they choose. The College further recognizes the right of members of the public to enter the Pendleton campus and College buildings at branch locations and to engage in lawful and peaceful activities while there. BMCC believes that encouragement of these rights will lead to a broader, richer education for students. Rights do not exist without responsibilities, however, nor is the College without an obligation to provide a safe, private learning environment in which students may pursue their studies without interference. To ensure that both the rights and the responsibilities are satisfied as fully as possible, the College has adopted the following procedure and guidelines concerning public access to the campus for purposes of commercial, charitable, or organizational solicitation, including the distribution of materials not related to college programs or activities. A separate administrative procedure, 03-2005-0013 Staff Participation in Political Activities, governs free speech and political activities on college premises.

As used in this procedure, the following definitions apply:

- A. "Sale," "selling," or "purchasing" means an activity that creates an activity or obligation to transfer property or services for a valuable consideration.
- B. "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- C. "Private sale" means occasional selling between persons who are BMCC students or employees or representatives of civic organizations.
- D. "Commercial transactions" means selling or purchasing or both selling and purchasing by any person acting as an employee of or otherwise on behalf of a trade or business. To the extent that a non-profit organization or charity is selling a tangible product or is offering a tangible product with the expectation of thereby obtaining an immediate and direct contribution, this aspect of the entity's activity shall be deemed for the purposes of this procedure to be a commercial transaction.
- E. "Interference standard" describes the basis on which College officials will judge the extent to which an activity or proposed activity limits, impedes, or makes more costly than normal the use or function of an area.

- F. "Charitable solicitation" means any direct and personable communication in the course of the operations of a not-for-profit organization reasonably intended to result in a sale or monetary contribution.
- G. "Organizational solicitation" means any direct and personable communication, including the distribution of materials, by an informal community-based group or by a not-for-profit organization whose activity could be construed by a reasonable person as intending to recruit or persuade individuals to join the organization or to adopt its mission or point of view.
- H. "Not-for-profit organization" means any group of individuals, formally or informally organized for the purpose of promoting the well-being of the public at large or for benefiting an indefinite number of persons (including but not limited to activities for educational, literary, or scientific purposes; for the prevention of cruelty to children or animals; or for the benefit of religion, rehabilitation services, public recreation, civic improvement, or services that lessen the burdens on government) or any entity to which a donation would qualify for a tax credit under ORS 316.102.

Guidelines:

Responsible Parties:

Commercial solicitations, as well as commercial transactions, are prohibited at all BMCC locations except upon written application by the vendor or solicitor and with written permission by the college President or the President's designated representative. The President has designated the following officials as responsible for reviewing applications pertinent to their area of responsibility and for recommending to the President an appropriate course of action:

| Area of Activity | Responsible Official |
|---|---|
| Prospective students as the primary target audience, college-wide or Pendleton campus | Director of Student Outreach |
| Current students as the primary target audience, college-wide or Pendleton campus | Associated Student Government Advisor |
| Activities sponsored by academic departments or other college groups (e.g., classified staff) to engage the college community or the general public, college-wide or Pendleton campus | Chief Academic Officer or Dean Student Services |
| Activities occurring at BMCC centers | Center Director |

Occasional charitable and organizational solicitations will be allowed as long as they have been verbally approved by the above responsible official and the President's office has been notified.

Application and Approval Procedures:

Commercial vendors and solicitors desiring public access to BMCC will complete an application form, attached as Appendix A, providing the following information:

- A. The applicant's name, address, and telephone number(s).
- B. The name, address, and telephone number of the company or organization represented by the applicant.
- C. The purpose of the visit to campus.
- D. The type of activity in which the applicant will be engaged.
- E. The date(s), duration, and location of the visit.
- F. A description of any equipment, furniture, or services that the applicant requests the College to provide.
- G. Any other information that is relevant to the granting or denial of permission to engage in the above-mentioned activity.

The responsible official will review the application and will complete his or her portion of the form, estimating any associated costs to be incurred by the College, indicating any required fees or other charges, and indicating his or her recommendation to the President either to approve or to deny the application.

In general, a proposed activity will receive a favorable recommendation if the vendor can demonstrate that it:

- A. Aids achievement of the educational or cultural objectives of the College.
- B. Does not interfere with the operation of the College.
- C. Is not prohibited by law or rule.
- D. Does not continue for more than two days and is not a frequently requested privilege. (In the case of activities that occur on a continuing or repeated basis, the applicant must obtain permission at the beginning of each academic term.)
- E. Does not conflict with terms of other contracts for sales or services already at the College.
- F. Does not conflict with similar sales or services offered by college departments, programs, or units.
- G. Does not create any undue hardship or financial burden for the College.

The President will review the application and may request additional information or clarification by either the designated official or the applicant. The President will approve or deny the application, indicating his or her reasons on the form, and will sign and date the application form. The Office of the President will send a copy of the signed form to the designated official and will keep the original, signed document on file for three years.

The designated official will notify the applicant of the decision and will be responsible both for arranging any set-up or other services for the applicant and for ensuring that the applicant pays all appropriate fees or other charges.

Standards:

The College will apply the same equitable standards of review and decision-making to all requests and will not treat differently or discriminate against any single request on the basis of its content, message, or philosophical approach. The granting of permission does not imply College endorsement of the organization or the activity. When deemed appropriate, however, the College may attempt to bring balance to a given topic by providing students with opportunities to hear or consider a range of perspectives.

The College will apply an interference standard that will not allow commercial transactions and commercial, charitable, and organizational solicitations to occur in areas where the activity will, or is likely to, interfere with the normal functions of that area, such as:

- A. Classrooms, except with written permission of the College President or the designated official and with the written consent of the instructor whose classroom is the proposed venue for the activity.
- B. Meeting rooms, the theater, or general assembly areas, except with permission of the President and the designated official.
- C. The library, except to display, with the approval of the librarian, information publicizing community cultural programs and other public services.
- D. Faculty and administrative offices, except with the written permission of the residents of the affected offices.
- E. Any other areas identified at any time by the President or designated official.

Any persons granted permission to engage in commercial, charitable, or organizational solicitation or in commercial transactions must abide by any time, place, or manner restrictions that may be imposed as a condition to the granting of such permission. Moreover, any such persons must behave in a respectful and civil manner toward members of the college community, including any visitors or members of the public who are on college premises, and must not harass, coerce, or otherwise attempt to compel them to engage with the activity.

Violations of the Procedure:

The College will discipline persons who violate the provisions of this procedure as follows:

- A. Discipline for members of the College community shall be appropriate to their status as students or College employees.
- B. Discipline for non-members of the College community shall include prohibition from entering College sites for purposes of commercial transactions or commercial, charitable, or organizational solicitation for a period of not more than one year. Those who violate this prohibition shall be subject to trespass laws.

Exceptions:

This procedure does not apply to merchandise sold through the BMCC Bookstore, to food provided through cafeteria services, or to food or other sales by students or employees as authorized by the College.

Nothing in this procedure shall affect private sales; advertising in college publications; or commercial solicitations and commercial transactions by vendors providing sales and services to offices, employees, or agents of the College for the conduct of college business.

Special Forms: Application to Conduct Commercial Transactions

Legal References:

ORS 294.100

ORS 341.290 (2)

32 Op Atty Gen 209 (1965).

46 Op Atty Gen 239 (1989).

Opinions of the Attorney General, Vol. __, p. __ (No. 8204, April 26, 1989)

**Application to Conduct Commercial Transactions
or Commercial, Charitable, or Organizational Solicitations at BMCC**

| STEP 1. APPLICANT INFORMATION | |
|---|-------------------------|
| Applicant's Name: _____ | Date: _____ |
| Address: _____ | Telephone: _____ |
| Organization Name: _____ | |
| Address: _____ | Telephone: _____ |
| Primary Intended Audience: ___ Prospective students ___ Current students ___ College community/general public (BMCC department/group sponsor: _____) | |
| Purpose of Visit: _____ _____ | |
| Type of Activity: _____ _____ | |
| Date(s), Duration, and Location of the Visit: _____ | |
| Request for Special Set-Up or Service(s) Provided by BMCC <i>(attach separate sheet if necessary):</i> _____ _____ | |
| Other Relevant Information <i>(attach separate sheet if necessary):</i> _____ _____ _____ | |

| STEP 2. REVIEW AND RECOMMENDATION BY BMCC DESIGNATED OFFICIAL | |
|---|--|
| ___ Vice President of Business/Operations ___ Vice President of Instruction ___ Center Director/Associate Vice President ___ BMCC Recruiter ___ Associated Student Government Advisor ___ Other (Specify): _____ | |
| Estimated Costs to BMCC <i>(attach separate sheet if necessary):</i> Total \$ _____ | |

| | | | |
|-----------------------|----------------------|--------|--------|
| Set Up: \$ | Publicity: \$ | Other: | Other: |
| Custodial/Grounds: \$ | Public Relations: \$ | | |
| Other Staff: \$ | Business Office: \$ | | |
| Utilities: \$ | | | |

| | |
|--|--|
| Required Fees or Other Charges <i>(attach separate sheet if necessary):</i> Total \$ _____ | |
| | |
| | |

| | | |
|--|-------|------|
| Estimated Interference With or Other Impact on BMCC Activities or Services <i>(attach separate sheet if necessary):</i> | | |
| | | |
| Recommendation: ___ Approve ___ Do Not Approve | | |
| Explanation: | | |
| | | |
| Name/Signature | Title | Date |

| STEP 3. APPROVAL OR DENIAL BY BMCC PRESIDENT | | |
|---|----------------|------|
| ___ Approved ___ Denied | | |
| Explanation: | | |
| | | |
| Signature | BMCC President | Date |
| <i>The Office of the President will send a copy to the designated official and will retain the signed form for three years.</i> | | |