

## **WESTERN NEBRASKA COMMUNITY COLLEGE**

### **APPENDIX H-1-17 - SOLICITATION FROM STUDENTS AND STAFF PROCEDURE**

Western Nebraska Community College has the duty and responsibility to maintain a safe and healthy environment conducive to its principal mission of education.

College procedures relative to time, manner and place for the acts of soliciting, distributing and advertising on College property are established to ensure that the educational functions of the institution are not significantly interfered with by individuals or groups while providing reasonable opportunities for persons to exercise their rights of freedom of speech and expressions. Decisions regarding the acts of soliciting, advertising and distributing literature on College property will be made on a content and subject neutral basis.

#### **TIME PLACE AND MANNER**

The College may, consistent with the Constitution, establish reasonable regulations regarding the time, place, and manner in which persons exercise their free speech rights to the extent necessary to assure the safety of the campus community and the orderly operations of the institution.

This procedure provides the applicable rules and procedures for any form of solicitation at WNCC.

#### **1. DEFINITIONS**

“Charitable Contribution” means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

“Charitable Organization” means an organization that has humane and philanthropic objectives, whose activities benefit humanity or a significant rather than limited segment of the community without expectation of pecuniary profit or reward and is exempt from taxation under either Nebraska law or Section 501(c)(3) of the Internal Revenue Code.

“Commercial Solicitation” means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

“Distribution” means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

“Non-Commercial Solicitation” means any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the College.

“Non-College Groups” means a group of individuals, other than Student or College Groups, that are legally separate entities from the College, even though some of the members or participants may be College personnel, alumni, or students.

“Student” means any person from the time he or she accepts admission to Western Nebraska Community College up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by WNCC.

“Student Group” means a group of students who have satisfied the College’s procedures and requirements for registration or recognition.

“College Group” means an administrative or academic unit, department or center within the College.

## 2. GENERAL PROVISIONS

The College prohibits all door-to-door solicitation on College premises or at College controlled property/events. The College prohibits the placement of any kind of flier or other kind of paper, sticker, pamphlet, or other solicitous information, whether for-profit or not, on any vehicles or anywhere else on College property at any time.

When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. The College does not impose restrictions on any forms of solicitation because of the content or viewpoint of the expression or the possible reaction to that expression unless such solicitation is in violation of the law. In addition, the college does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-College Groups or individuals.

Groups and individuals can reserve space in advance by contacting the Dean of Students. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Dean of Students or the Vice President of Administrative Services or their designees, giving due consideration to the requirements set forth below.

The following apply to all forms of solicitation activities:

- 1) Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.
- 2) Groups and individuals may not block or otherwise interfere with ingress and egress into and out of College buildings.
- 3) Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancellation of any College-sponsored event or activity, or by users authorized to use College facilities.
- 4) Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

- 5) Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential College operations / processes shall not be disrupted.
- 6) No one may approach anyone inside campus buildings to solicit signatures other than these two exceptions: (1) signatures may be collected at information tables by individuals or organizations with the Student Services Office or designee; and (2) the solicitation of student signatures on nominating petitions for candidates for Student Government or related student services positions is permitted in the common areas of campus buildings during designated pre-election periods.
- 7) The use of public address systems or amplified sound will not be allowed without prior approval from College President or designee.
- 8) The safety of members of the campus community, collectively and individually, must be protected at all times.
- 9) Solicitation activities shall not damage College property or its grounds.
- 10) Groups and individuals must comply with all applicable College policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.
- 11) Groups and individuals shall comply with the directions of College officials when enforcing these provisions.
- 12) Groups and individuals are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. In addition, the group or individual must collect and remove any loose, dropped, or littered materials or trash in the vicinity of the distribution area. Failure to do so may result in a charge to the group or individual for the cleanup of these materials.

Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. College Groups, Student Groups, and Students who sponsor non-college participants may be held accountable for such participant's compliance with this regulation. In addition, since non-College individuals or groups are not subject to the College's disciplinary procedures, their failure to comply with these provisions may result in their removal from campus and/or appropriate action under local, state or federal law.

### 3. PRIORITY FOR USE

The use of space for solicitation shall be reserved according to the following priorities:

- a. Consistent with the College's mission, academic classes and advising, research, and extension activities shall have the highest priority for the use of space.
- b. College Group uses for activities other than academic classes and advising, research, and extension activities, will have the next highest priority in the use of space.
- c. Student Groups, students and sponsored non-College Groups and individuals will have the next highest priority.
- d. Un-sponsored Non-College Groups and individuals will have the lowest priority.

- e. A reserve use shall have priority over any unscheduled use, even when reserving a space is not required by this procedure.

#### 4. PROCEDURES FOR COMMERCIAL SOLICITATION

Commercial Solicitation on campus is prohibited unless prior written authorization has been obtained from the President or Designee. Persons or organizations wishing to engage in commercial solicitation on campus grounds may be granted permission (maximum of five (5) business days per academic term) if the proposed activity aids achievement of the educational objectives of the campus and is conducted in accordance with the General Provisions and the time, place, and manner regulations set forth herein, unless such solicitation would be in violation of law.

Fundraising activities of on-campus student teams / clubs / organizations are excluded from the time-limitation set forth above.

Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve space by contacting the Dean of Students or designee. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

Procedures Specific to College Housing:

**Non-College Groups or individuals may not conduct commercial solicitation in College Housing.**

College Groups, Student Groups, and Students may engage in commercial solicitation to generate funds for their programming activities consistent with the stated purpose of the group, subject to the following conditions:

Groups wishing to conduct solicitation must reserve space by contacting a Residence Life Director/Student Services Coordinator (Sidney) at least 48 hours in advance of the activity.

Solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Life Director/Student Services Coordinator (Sidney), but never in individual residents' living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the College Housing environment.

Residents of College Housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sales purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their College employment.

Bulletin boards in College Housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by College Housing.

#### 5. PROCEDURES FOR NON-COMMERICAL SOLICITATION

- a. College Groups, Student Groups, Students and Sponsored Participants

College Groups, Student Groups, Students, and their sponsored Non-College Groups and individuals may conduct non-commercial solicitation without reserving space in designated areas on campus as designated by the President or his/her designee, if the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the College or Student Group or the student sponsoring the Non-College groups or individuals must be present at all times with these participants while conducting such activity.

Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the College to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in a constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt the College's educational activities and essential processes.

b. Un-sponsored Non-College Groups and Individuals

Non-College groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Designated space can be reserved by contacting the Dean of Students or designee. Reservations will be approved on a space-available basis.

c. Procedures Specific to College Housing

Non-College groups or individuals may not engage in solicitation activities in College Housing facilities.

College Groups, Student Groups, and Students may engage in noncommercial solicitation in College Housing facilities only upon the following conditions:

All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired College Housing facility by contacting the Residence Life Director/Student Services Coordinator (Sidney) at least 48 hours in advance of the activity. Residents do not have to reserve space for non-commercial solicitation for the College Housing facility in which they reside if the use of which is not otherwise restricted, reserved, or scheduled.

The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Life Director/Student Services Coordinator (Sidney), but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the College Housing environment.

Bulletin boards in College Housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint-neutral rules issued by College Housing.

## 6. PROCEDURES FOR SOLICITATION OF CHARITABLE CONTRIBUTION

College Groups, Student Groups, Students, and their sponsored Non-College Groups and individuals may conduct solicitations of charitable contributions as long as the solicitation complies with Nebraska law concerning charitable and/or non-profit entities. However, a member of the College or Student Group or the student sponsoring the Non-College Group or individuals must be present at all times with these participants while conducting such

activity. Unsponsored Non-College Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve space by contacting the Vice President of Administrative Services or designee. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

Procedures Specific to College Housing:

Solicitation for charitable contributions may be carried out in College Housing, subject to the following restrictions:

Groups or individuals desiring to conduct the solicitation must reserve space by contacting College at least 48 hours in advance of the activity.

The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Life Director/Student Services Coordinator (Sidney), but never in individual residents' living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the College Housing environment.

## 7. EXCLUSIONS

Nothing in this Procedure shall be deemed to affect the activities of College Groups whose official activities include taking surveys or otherwise undertaking College sanctioned activities.

Nothing in this regulation shall prohibit the College from barring solicitation on College property that are non-public forums.

Approved: August 16, 2017