Name of Policy: Solicitation, advertising, and distribution

Policy Number: 3364-25-51

Approving Officer: President

Responsible Agents: Executive Vice President for Finance and Administration; Vice President for External Affairs

Scope: The University of Toledo – All Campuses

Key words: marketing materials, advertising organizations, marketing organizations, marketing, distributing materials, handing out materials

Review date: June 26, 2014
Original effective date: June 22, 2011

New policy proposal                    Minor/technical revision of existing policy
                                 X   Reaffirmation of existing policy

(A) Policy statement
The University of Toledo regulates and restricts activities, by both employees, non-employees businesses, and organizations, involving solicitation, advertising, and distribution of literature (electronic or hard copy). The Appointing Authority has designated the head of Human Resources or designee as the facility administrator to be contacted regarding solicitation, advertising, and distribution activities conducted on any campus of the University as it relates to human resources issues and the head of External Affairs or designee as the facility administrator to be contacted regarding solicitation, advertising, and distribution activities conducted on any campus of the University as it relates to marketing and student enrollment issues.

(B) Purpose of policy
The purpose is to ensure that University employees can perform their duties free from intrusions and work interruptions, to safeguard the security of persons, facilities, and property, and to ensure the privacy essential to patient care.

(C) Scope
This policy applies to all facilities and property on the campuses of the University or under the operating authority of the University. This policy applies to all solicitations, advertising, and distributions with the exception of Philanthropic Fundraising Activities and Request for Gifts as stated in #3364-55-04. Registered student organizations activities are in accordance with policies and procedures governing those organizations. In addition, the activities of and visitation by certain vendors, representatives, and professionals may be addressed in policies specifically governing those individuals and organizations, including but not limited to, Interaction with Pharmaceutical and Medical Device Industry as stated in #3364-81-04-027-00 and 3364-133-44; Volunteer Services #3344-103-VS-17; Local Clergy Contact with Patients #3364-103-PC-06.

(D) Procedure

(1) Activities by Non-Employees:
(a) An organization or non-employee which intends to solicit, advertise, or distribute literature to employees must, each visit:

(i) Give advance notice of forty-eight hours of such intention by contacting the facility administrator for each facility.

(ii) At the time the advance notice is given, provide a list of the names of the persons or alternates who wish access to the premises.

(iii) In the event two or more requests for access to a facility for the same or overlapping times have been made, the facility administrator should attempt to provide alternate designated areas. In the event that no alternate designated area is available, the facility administrator will grant access to the available designated area on a rotating basis with equal time for its use.

(iv) If the designated areas are unavailable due to a prior reservation, then the facility administrator shall immediately notify the requesting party of such conflict.

(b) An organization or non-employee may solicit, advertise, or distribute literature in designated areas, provided the employees being solicited are on non-working time. Designated areas are to be determined by the facility administrator and a list of such areas will be made available by the facility administrator upon request.

(c) An organization or non-employee may not distribute literature nor solicit employees in any work area, regardless of the fact that the employees are on non-working time.

(d) An organization or non-employee shall be permitted to submit notices for posting to the facility administrator. Such notices must be a reasonable size so as not to obstruct any other notices. All organizations or non-employees will have equal posting rights to any designated posting area. A list of the designated posting locations will be made available by the facility administrator upon request.

(e) An organization or non-employee shall be permitted to solicit or distribute literature in designated parking lots without providing advance notice.

(f) Solicitation or use of advertising material by a private business concern or individuals may be permitted when such effort is in support of University programs, provided it is authorized in advance by University Communications and Marketing.

(2) Activities by Employees:

(a) An employee may solicit other employees in both non-work and work areas only if all employees involved are on non-working time.

(b) An employee may distribute literature in a non-work area on non-working time only if all employees involved are on non-working time.
(c) University departments or other units may be permitted to engage in solicitation for the University and/or their own departments with the prior approval of University Communications and Marketing. Said departments or units may not advertise for the University or themselves without the prior approval of University Communications and Marketing. Specific advertising must be reviewed and approved by University Communications and Marketing in advance as well as the choice of media for placement.

(3) Disruptive Conduct:

The facility administrator reserves the right to regulate any solicitation or distribution activities by any non-employee or employee which disrupts or interferes with the normal work flow at the facility.

(4) Definitions:

(a) "Designated area" - means a facility location to be determined by the facility administrator.

(b) "Designated parking lot" - means an area to be determined by the facility administrator where employees and/or visitors park motor vehicles.

(c) "Organization" - means a body of persons established for a specific purpose.

(d) "Facility" - means any work or non-work areas comprising one worksite which is governed by and under the control of a state agency, department, board or commission.

(e) "Facility administrator" - means persons designated by an appointing authority to be contacted regarding solicitation or distribution activities conducted at any facility under the jurisdiction of the appointing authority.

(f) "Non-employee" - means any person not employed at the facility where solicitation is conducted, or any person not in an active work status.

(g) "Non-work area" - means areas to be determined by the facility administrator, and generally includes lobbies, cafeterias, public areas or designated parking lots.

(h) "Non-working time" - means approved leaves, lunch periods, and before and after scheduled working hours.

(i) "Solicitation" - means any activity conducted for the purpose of advertising, promoting, or selling any product or service, or encouraging membership in any group, association or organization.

(j) "Work area" - means areas to be determined by the facility administrator, and generally includes offices, work stations, conference rooms and corridors leading directly thereto which are used as an integral part of performing work and any area where the
employee performs his/her official duties. In agencies where services are being delivered to the public, the entire public area is considered a work area. In hospitals, generally patient-care areas and areas where visitors have access and patient care is involved are work areas.

(k) "Working time" - means that time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, vacations, time before or after a shift.

Approved by:

Lloyd A. Jacobs, M.D.
President

June 26, 2014

Date

Review/Revision Completed by:

Associate Vice President for Human Resources, Vice President for External Affairs, HRTD

Policies Superseded by This Policy:
• Previous 3364-25-21, effective date June 22, 2011

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