

Commercial Solicitation Policy

Hagerstown Community College, as noted in its official vision statement, “is a learner-centered, accessible, life-long learning institution dedicated to student and community success.” The College has the responsibility to provide and maintain a safe and healthy work and learning environment conducive to its mission based programs and services. Accordingly, the College has developed a commercial solicitation policy for the purposes of: 1) preserving the College’s right to permit or prohibit sales and commercial solicitation activities on College property, and 2) to protect the campus community from sales and commercial solicitation activities that are intrusive, unrelated to the educational purpose, or incompatible with normal operations. The general requirements, the sales and commercial solicitation by college and non-college organizations, as well as the responsibilities of the sponsoring units and the vendors are detailed below. Commercial solicitation is prohibited on campus unless it meets the general requirements as defined by the College.

This policy applies to commercial solicitation activities conducted on the grounds or within buildings under the control of Hagerstown Community College, including commercial solicitation using the electronic mail network (e-mail). Approved commercial solicitation activities must be substantially and directly related to the College's mission and vision.

The term “commercial solicitation” as used here means the sale, lease, rental or offer for sale, of any property, product, merchandise, publication, or service, whether for immediate or future delivery; the distribution or display of printed material, merchandise, or products that are designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; or the oral or written appeal or request to support or join an organization other than a registered student, faculty, or staff organization. Commercial solicitation further means the activity or process of seeking to obtain the support of an individual for a commercial product through persuasion or formal application.

1. General Requirements

Approval for commercial solicitation and sales activity will only be considered for those vendors whose products or services meet the following applicable criteria:

- a) Does not violate federal, state or local law.
- b) Are not in competition with vendors holding current College-wide contracts.
- c) Are not duplicative of goods and/or services currently available through established on-campus sources.
- d) Do not contradict HCC’s Expressive Activity policy.
- e) Do not undermine the academic integrity of the College.
- f) Are not counterfeits of brand name goods.
- g) Are not in violation of Hagerstown Community College / State procurement policies.
- h) Do not pose a threat to the individual making the purchase or to their surrounding environment.

2. Sales and Commercial Solicitation by Non-College Organizations

There shall be no commercial solicitation conducted on general College property except by vendors with whom the college has contracted for the sale, lease, rental, or offer of said goods and services. Vendors must coordinate commercial solicitation with the individual or unit responsible for such activity.

3. Sales and Commercial Solicitation by Official College Organizations (including Student Organizations), Employees and Students

Commercial solicitation for the sale, lease, rental, or offer of goods, services, and/or products on College property shall only be conducted by student organizations, faculty, or staff officially recognized and authorized by Hagerstown Community College or by legally authorized representatives of companies with whom the College conducts business.

a) Commercial Solicitation by employees

Commercial solicitation by employees for purposes other than direct college related business during regularly scheduled work hours is prohibited. Commercial solicitation during non-work hours (lunch or other break times) by employees is subject to other applicable sections of this policy. Employee fund raisers are only permitted as provided for in the Employee Handbook. Use of the college resources for commercial solicitation or sales is limited to those activities meeting the general requirements outlined above.

b) Commercial Solicitation by students

Commercial solicitation and/or sales by students on College property are prohibited without the express written consent of the Dean of Student Affairs or designee. This provision does not prevent fundraising by Student Organizations in accordance with the Student Organization Policy and Procedures.

4. Responsibilities of Sponsoring Units or Recognized Student Organizations

- a) Ensure the presence of responsible member(s) of the sponsoring unit throughout the duration of the activity to include set-up and take-down.
- b) Ensure that College policies, procedures, guidelines, and regulations are adhered to at all times.

5. Responsibilities of Vendors

- a) The vendor must be in possession of all permits and licenses required by federal, state, and local law or ordinance, and in compliance with any applicable federal, state, and local laws or ordinances. Obtaining required permits and licenses and knowledge of the applicable laws are the responsibility of the vendors. Failure to be in possession of any required permit or license or to comply with any applicable law or ordinance shall be grounds for denial.
- b) All off-campus vendors and commercial entities must have departmental/student organization sponsorship.

- c) Merchandise of all off-campus vendors and commercial entities shall be confined within the vendor's designated space, and the appearance of the booth shall be in a manner in keeping with the campus environment.
- d) All off-campus vendors and commercial entities that request use of space on the HCC campus need to be aware that depending upon the type of event and the size of the event, fees may apply.
- e) Vendor must leave its area in the condition in which it was found. Vendor is responsible for all clean-up and for any repair costs.

6. Insurance

Hagerstown Community College requires proof of automobile, general liability and worker's compensation insurance and to be named as an additional insured. Proof of insurance must be provided once commercial activity is approved and scheduled, but must be provided in advance of the event to the Office of the Vice President for Administration and Finance. Failure to do so may result in the College unilaterally cancelling the activity. The user agrees to obtain, at its own expense, liability insurance for Bodily Injury and Property, as well as, Automobile for any vehicles brought onto HCC premises. Minimum coverage for automobile liability and bodily injury and property general liability shall be \$1,000,000.00. The user must also obtain, at its own expense, statutory worker's compensation insurance on any of its employees who will be on HCC premises on the day(s) of the event. Minimum coverage shall be \$500,000.00.

7. Fund Raising on HCC Property by Outside Groups

Any outside group which has rented space from HCC or has been granted a rental space waiver by the Office of the President is not permitted to fund raise or solicit outside of the specific HCC space they have been approved to use. Such groups must also follow all applicable provisions as stated in this policy.