

DVC Procedure 3025.02

**ADVERTISING, SOLICITATION, SALES AND DISTRIBUTION OF COMMERCIAL MATERIALS**

ADOPTION: May 14, 2007

REVISED: December 1, 2008

REVISED: November 23, 2009

REFERENCES: CCCC Board Policy 2019, 5032, 6001;

CCCC Business Procedures 6.01, 6.04, 6.06;

CCCC Student Services Procedure 3025, 3027;

CCCC Human Resources Procedure 4000.17,

Education Code sections 76120, 76067;

Penal Code sections 556, 556.1, 556.2, 556.3

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The purpose of this Procedure is to regulate advertising, solicitation, sales and distribution of commercial materials on campus by students, individuals and outside organizations. The enforcement of this Procedure will ensure a campus environment conducive to student learning.

This Procedure supplements existing CCCC policies and procedures related to free expression, advertising, solicitation, sales and distribution of commercial materials. (CCCC Board Policy 2019, 5032, 6001; CCCC Business Procedures 6.01, 6.04, 6.06; CCCC Student Services Procedures 3025, 3027; CCCC Human Resources Procedure 4000.17). The Student Life Office has the responsibility of administering this Procedure.

The College is a non-public forum, except for areas designated in this Procedure as limited public forum.

The following forms of expression are prohibited everywhere on campus: 1) expression which is obscene, libelous or slanderous according to current legal standards; and 2) expression which creates a clear and present danger or incites persons to commit unlawful acts on campus or damage persons or property.

### **Commercial Advertising**

Semi-permanent postings or signage of a commercial nature are generally prohibited on campus. However, the College may consider opportunities to generate revenue from collaborative arrangements with individuals or outside organizations interested in advertising on campus (e.g. restroom posters, screen saver ads, parking gate ads, etc). Interested parties must contact the Business Services Office. In considering advertising arrangements, the Vice President of Finance & Administration will do the following:

1. Review such proposals by considering the following factors:
    - a. compatibility with users of adjacent space;
    - b. conflict with other partners, agreements, etc.;
    - c. potential revenue.
  2. Obtain the approval of the College President;
  3. Ensure that the College President executes the contract. An advertising arrangement which involves the use of College real property, buildings or other facilities must be approved by the Governing Board.
- Commercial advertising of controlled substances identified by federal or state law is prohibited.

### **Direct Solicitation or Sales to Staff or Students**

Vendors interested in conducting solicitations or sales to staff or students must submit a proposal to the Student Life Manager at the Pleasant Hill campus or the Senior Academic Student Manager/Instructional Support Coordinator at the San Ramon Center or designee. The Student Life or Student Services offices will review such proposals and will consider the same factors outlined in the "Commercial Advertising" section of this Procedure to determine which proposals will be approved.

Approved direct solicitations or sales are subject to the following requirements:

1. Vendors may sell products or services on campus for a maximum of six (6) days per semester;
2. Requirements include proof of a valid business license and a California State Resale Permit. Vendors must contact the City of Pleasant Hill or the City of San Ramon to confirm whether a City business license is required and/or to pay the necessary fees to obtain the permit. Vendors must contact the Cal. State Board of Equalization to obtain the Resale Permit.
3. During fall and spring semesters, vendors will be permitted to begin on-campus sales after the last day for students to add full-term courses or drop such courses with a full refund. Dates for vendor sales during the summer will be determined by the Student Life/Services Offices;
4. Reservations must be made through the Student Life Office (Pleasant Hill campus) or the Student Services Office (San Ramon campus). All required paperwork must be completed and approved prior to vending on campus;
5. Vendor reservations are made on a first-come, first-served basis; (Note: College events or groups have priority over vendor reservations)
6. During fall and spring semesters, merchandise-based vendors (such as jewelry, art sales, etc.) who wish to vend Monday through Thursday must pay a fee of \$55 per day at the Student Life Office (Pleasant Hill campus) or the Student Services Office (San Ramon campus) prior to vending. Client-based vendors (such as banks, fitness centers, cell phone providers, etc.) who wish to vend Monday through Thursday must pay a fee of \$65 per day at the respective location prior to vending. On Fridays during fall and spring semesters and on all week days during the summer semester, fees are \$25 per day for merchandise-based vendors and \$35 per day for client-based vendors. Checks are to be made payable to "Diablo Valley College." Vendors will be charged the full fee regardless of the number of hours they choose to conduct sales;
7. If a vendor provides an invalid check, then the vendor will be required to pay any Non-Sufficient Fund ("NSF") fees. The vendor will also be required to pay cash for all future vending dates;
8. Vendors must provide their own tables, chairs and other equipment and may not walk around campus to solicit business or make sales;
9. Vendors may not sell items or offer products or services which conflict with existing College or District contracts.
10. No two vendors selling identical products or services shall be scheduled to conduct sales on campus on the same day, without prior notification;

11. Vendors must abide by all College regulations including parking;
12. Direct solicitation and sales are limited to the Quad area at the Pleasant Hill campus and the Fountain area or Learning Commons at the San Ramon Center.  
The funds collected from vendors shall be deposited directly into the vending fund of the Associated Students of DVC. Such funds will be distributed by the Inter-Club Council to approved campus clubs and organizations.

### **Outdoor Distribution of Commercial Materials**

The following time, place, and manner restrictions regulate the distribution of commercial materials:

1. Students, other individuals or outside organizations who wish to distribute commercial materials must register their names, addresses and phone numbers with the Student Life Office (Pleasant Hill campus) or the Student Services Office (San Ramon Center), as well as provide a copy of the materials to be distributed;
2. The materials must clearly indicate the name of the sponsoring person or organization;
3. The Student Life/Services Office will assign a distribution table in the quad or student union (Pleasant Hill campus) or the Fountain area/Learning Commons (San Ramon Center), depending on availability. Commercial materials may be made available only at the assigned distribution table. Each table must identify the sponsoring person or organization's name. Those who wish to distribute commercial materials may not:
  - a. Block access to College facilities;
  - b. Block the pathways of others, as they attempt to move freely through campus;
  - c. Force materials upon persons who do not voluntarily accept the materials.
4. The general area around the distribution tables must be cleaned up at the conclusion of the academic day. Materials that are discarded or dropped near the distribution table other than in the appropriate receptacles must be removed or properly discarded;
5. Distribution of commercial materials in classrooms, parking lots, or in any other area other than at a distribution table, is prohibited;  
DVC does not endorse any of the products or services described in any commercial materials distributed on campus.

### **Indoor Distribution of Commercial Materials**

1. In classrooms: Commercial materials may not be distributed in classrooms.
2. In Departments: With prior permission of the department head, commercial materials such as pamphlets and brochures may be left in waiting areas, lobbies, or lounges assigned to a specific department.
3. In Faculty Mailboxes: Commercial materials may not be distributed in faculty mailboxes.
4. In Student Leadership or Club Mailboxes: Commercial materials may be placed in student leadership or club mailboxes located in the Student Life Office (Pleasant Hill campus).

**Amplified Sound**

Amplified sound is only permitted at the Duck Pond area and the upper patio between the Student Union building and the cafeteria at the Pleasant Hill campus. Anyone interested in using amplified sound must first register with the Student Life Office, fill out a "Use of Facilities Form," and follow all other District Policies and College Procedures pertaining to this communication medium.