

Commercial Activities Policy

I. PURPOSE

University regulations generally prohibit or narrowly restrict commercial activities such as use of University properties for commercial purposes or for personal financial gain; acceptance of advertising in University publications; commercial use of the University name or seal; and co-sponsorship of events, programs, or activities with commercial enterprises. This section summarizes applicable policies, establishes procedures for approval of exceptions, and presents guidelines for evaluating the appropriateness of proposed commercial activities.

II. COMMERCIAL ACTIVITIES ADVISORY GROUP

The Commercial Activities Advisory Committee will review, on a quarterly basis, approved (and proposed) commercial activities to ensure consistent interpretation of policies and to avoid the proliferation of activities which, in combination, could have an undesirable effect on the campus environment. The group is charged by the Vice Chancellor, Student Affairs and includes: Assistant Vice Chancellor, Student Affairs (chair); Director, Bay Tree Bookstore; Director, 1 CAO Representative; SOAR; Director, Risk Management; 1 Representative, Business Affairs; 1 representative from SUA; 1 representative from GSA; and 2 undergraduate representatives appointed by the ICSA. The Advisory Group will make recommendations to the Vice Chancellor.

III. POLICY

A. Sales of goods and services

1. University regulations prohibit individuals, organizations, or firms from conducting sales of any sort on University property, with the following exceptions:

- a. Sales of non-commercial literature incidental to the exercise of freedom of speech, assembly, or worship are permitted as provided in "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 40.00: Use of University Properties.
- b. Fund-raising activities may be permitted if approved as provided in "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 42.30: Fund Raising on University property.
- c. Auxiliary enterprises established in accordance with universitywide and campus policy are authorized to sell goods or services primarily to benefit the campus community as approved by the appropriate vice chancellor, or designee.

Examples of auxiliary enterprises at UC Santa Cruz are: Bay Tree Bookstore, Transportation & Parking Services, and Housing Services.

- d. Temporary activities exclusively associated with and sponsored by groups or organizations who have entered into a contractual agreement with the university for use of university facilities through the Conference and Summer Housing Office as approved by the Director, Housing Services (or designee).
2. Other exceptions (leased facilities, consignment sales, etc.) may be approved by the appropriate vice chancellor. Examples include contracted student-run business activities at the UCSC Student Center, and established areas designated as on-campus food service or child care facilities.
3. The University's name, seal, or other identifier (including terms such as "UCSC" and "UC Santa Cruz") may not be used on commercial products except on franchise granted by the Chancellor consistent with "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 41.20: Use of the University Name. See also: (Rule Book) Section 60.30 and (Rule Book) Appendix B.

Requests for exception must be submitted, in writing, to the Director, Bay Tree Bookstore.

4. On-campus food and beverage vending is not covered by this policy and is coordinated on a case-by-case basis by the Director, Housing Services, the sponsor, Environmental Health & Safety, and/or Purchasing.

B. Co-sponsorship of events with commercial enterprises

1. Co-sponsorship of events is defined as joint administration by a University unit and a commercial enterprise in managing and financing an event or series of events. (This definition does not include affiliation agreements for approved educational or training programs, or as required by law.) Reference: "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 42.301. Reference also: (Rule Book) Section 40.104.
2. Co-sponsorship of events may be approved by the appropriate vice chancellor. Approved requests require execution of a business agreement through the Business Affairs Office.

C. Commercial photography

1. Commercial photography is defined as any use of University premises or facilities, indoors or outdoors, for photographic purposes intended for commercial or non-profit publications, including motion picture filming, videotaping, and still photography.
2. Requests for permission to conduct commercial or non-profit photography for publication on University property must be reviewed by the Director of Public Information. Reviewed

requests require the execution of a license agreement through the Director of Public Information, and approval by the Executive Assistant to the Chancellor.

3. Scripts of films or videotape productions must be reviewed by the Director of Public Information.
4. A location fee will be charged. Fees may be reduced or waived if the activity is for educational purposes.
5. Arrangements for any parking, police, custodial, electrical, or other campus services shall be coordinated through the Public Information Office; associated costs will be charged to the photographer and/or production company..
6. News media photographers are not required to obtain approval except for use in advertising. The Public Information Office should be informed when news media activities are being arranged, however, so that its staff can provide information or assistance.
7. Except for news media photographers, any commercial photography of University students, faculty or staff requires the prior written consent of such persons prior to being photographed or filmed. Obtaining such consent is the sole responsibility of the person or organization taking the photographs or films and such person(s) or organization(s) shall defend, indemnify and hold the University, its officers, agents and employees harmless from any liability arising out of such filming or the taking of such pictures.

D. Other sponsored commercial use of University properties

1. University grounds and facilities are normally only made available for use by University organizations and certain other nonprofit organizations. Exceptions for temporary use of properties by commercial enterprises may be authorized when such use is officially sponsored by a university unit or a registered student organization as an approved fund-raising activity, and/or has been determined to provide a clear benefit to the campus consistent with the University's purpose (Note: for sponsored vendors, there is a maximum 5 days/per quarter/per vendor maximum allowed by this policy).

University residences (e.g. individual rooms or apartments) may not be used for income-producing activities which are commercial in nature or for the purpose of realizing personal financial gain. Reference: "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 42.301.

2. Requests for sponsored commercial use of University properties may be approved by the following:
 - a. The Director, Student Organization & Advising Resources (SOAR), for student government and student organization-related fundraising activities, for usage of the Student Center area.

- b. The Director, Bay Tree Bookstore, for sponsored vendor and/or tabling usage of the designated Commercial Activities/Tabling area in the bookstore parking lot. (Note: Registered Student Organizations must first obtain an Event Approval Form (or equivalent approval notification) from the SOAR Office and simply submit the EAF to the Director, Bay Tree Bookstore for scheduling purposes only.)

Requests for commercial use of University properties in any other areas will be submitted to the Director, Bay Tree Bookstore, who (prior to issuing a permit) will forward the request for approval:

(1). to the College Administrative Officer, for use of any college areas during the academic year.
(Requests for usage during the summer and over quarter breaks would be referred to the Manager, Conference and Summer Housing Office.)

(2) to the Director, Housing Services, for use of any other (non-college) housing or food service areas (e.g. Family Student Housing, Graduate Student Housing, Faculty Housing).

(3). to the appropriate Vice Chancellor(s) for use of all other university properties.

3. Fees may be charged for use of University properties/facilities as determined by the appropriate officials outlined in Section III.D.2 (above).

4. Insurance and Indemnification

- a. Organizations using University facilities for commercial purposes shall be required to provide the University Risk Management Office with certificates of insurance evidencing organizations' compliance with University's "Insurance Requirements for Commercial Use of Campus Facilities" as set forth in Exhibit A attached hereto and incorporated herein.

Insurance requirements as specified in Exhibit A are subject to review and possible upward or downward adjustment by the Campus Risk and Insurance Manager depending on the nature of the individual activity and/or product. In some circumstances, a valid California Resale License may also be required.

- b. In addition to the insurance certificate, organizations using University facilities for commercial purposes shall be required to sign a Hold Harmless & Indemnification" agreement set forth in "The UCSC Commercial Activities/Tabling Form" (Exhibit B) attached hereto and incorporated herein.

5. Organizations will be required to display an official "UCSC Commercial Activities/Tabling Permit" (Exhibit C) at all

times. The permit will be provided to the organization by either:

- a. the Director, Student Organization and Advising Resources (for sponsored commercial vending at the UCSC Student Center), or
- b. the Director, Bay Tree Bookstore (for sponsored commercial vending and/or tabling in the Commercial Activities/Tabling area in the bookstore parking lot; and for sponsored commercial vending on any other university properties.)

No permit is required for non-commercial tabling in designated "free speech areas" under the guidelines established in "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 30.00.

E. Advertising

1. Definition

Advertising is defined as written or oral publicity for the purpose of generating sales of commercial products or services.

2. Advertising on University property by commercial firms

a. Distribution and posting of advertising

Commercial advertising (posting) is permitted only on public access, outdoor bulletin board or kiosk spaces unless the posting space is otherwise designated by the controlling campus unit for specific university use.

b. Product displays

Use of University facilities for promotional display or demonstrations is prohibited except when directly related to University business. The Material Manager is authorized to approve such activities coordinated by the Purchasing Department; the Career and Internship Services Center is authorized to approve displays related to recruitment by potential employers. Auxiliary Enterprise Directors are authorized to approve such activities consistent with their endeavors. Reference "Policies and Regulations Applying to Campus Activities, Organizations, and Students" (Rule Book) Section 30.3030: Outdoor Displays

3. Use of the University's name in commercial advertising

The University's name, seal, or other identifier may not be used for commercial promotional purposes--for example, listing the University as the user of a product--except with

prior permission. Requests should be submitted to the Director of Public Information.

4. Advertising in official University publications

- a. Official University publications of an informational or administrative nature used in the conduct of University activities shall not contain advertising, except as provided in E.5 (below). Such publications include those which present the campus or one of its units to the public in a formal way (for example, catalogs, school or college announcements, departmental descriptions of graduate programs or student services, and invitations), as well as those which present internal information needed by students, employees, or visitors to the campus (for example, maps, guides, and class schedules).
- b. Occasionally departments are approached by commercial firms offering to produce such publications free of charge to the University, or requesting departments to provide information for a publication providing information about class schedules, activities, registration deadlines, etc. As a matter of practice the campus does not participate in the development of such publications, which are essentially commercial advertising vehicles developed by commercial advertising firms.
- c. Questions about this policy may be directed to the Director of Public Information. Exceptions to this policy may be directed to the appropriate vice chancellor.

5. Use of advertising by University entities

- a. The use of commercial advertising by University departments, programs, or constituent organizations must be approved in advance by the appropriate vice chancellor or designee. Examples are sale of advertising space in athletic schedules, event or theatrical programs, use of preprinted materials containing advertising, and use of products (e.g., beverage cups) displaying advertising.
- b. Requests to sell advertising space must describe and justify the proposed use of the advertising; identify the rate to be charged and anticipated income and expenses; and describe the method of soliciting advertising, including names of potential advertisers.
- c. Auxiliary Enterprise Directors are authorized to conduct one-time or on-going promotional activities relevant to their program(s).

IV. GUIDELINES FOR UNIVERSITY APPROVAL OF COMMERCIAL ACTIVITIES

The following guidelines will be used by university officials (as designated in this policy) in evaluating requests to permit commercial

activities on campus, and should be addressed in proposals for such activities. Proposals may be for one-time activities (e.g., commercial co-sponsorship of a unique education program) or for recurring activities (e.g., use of advertising in a quarterly events program).

- A. The proposed activity must provide a clear benefit to the campus consistent with the University's purpose. Examples include the following:

1. To provide educational experience for students participating in management of certain auxiliary enterprises or appropriate university activities (e.g., advertising in City on a Hill Press).
2. To present recreational, cultural, or educational programs that are unique or that would not be available without commercial co-sponsorship (e.g., a "wellness fair" co-sponsored by the health center with local businesses).
3. To enhance student recruitment or other public relations programs (e.g., use of campus facilities by commercial organizations sponsoring youth programs).
4. to permit printing of certain publications the campus could not otherwise afford (e.g., athletic event schedules or theatrical programs).
5. To provide products the campus could not otherwise make available (e.g., trophies, class rings, specialty items).

- B. The benefits of the proposed activity must outweigh any negative consequences for the University. For example:

1. The activity must not create the appearance that the University endorses, favors, or is affiliated with any commercial enterprise. Proposals for approval of commercial activities shall evaluate the degree to which the activity would create an association between the name of the University and that of the commercial entity, and the appropriateness of creating such an association. In permitting commercial advertising or allowing a commercial firm to sponsor or participate in a University program, the circumstances shall be evaluated to determine whether equal access is available to other, similar commercial enterprises. The University must reserve the right to approve the content of the advertisement or program and have some degree of control over how the program/project is presented to the public or to potential advertisers. This is particularly important when dealing with agents who will have direct responsibility for promotion of a program or solicitation of advertisers.
2. The activity must not interfere with the orderly conduct of University business, e.g., by obstruction of traffic, attraction of large off-campus audiences, excessive noise, or interruption of academic or administrative functions.
3. The activity must not adversely affect the campus environment, e.g., by creation of litter or the subjection

of individuals to advertising as a condition of receiving information that is essential to their performance as students or employees of the University. The Commercial Activities Advisory Group will pay particular attention to the proliferation of activities which, in combination, could create such undesirable effects.

- C. The solicitation of commercial advertising or co-sponsorship of programs must be evaluated for possible cumulative effects on the Gifts & Endowments programs.

V. FURTHER INFORMATION

Questions about commercial activities may be referred to the Director, Bay Tree Bookstore.

VI. REFERENCES

- A. Office of the President: Publications--Commercial Advertising, 4/12/79; reaffirmed 7/26/85.
- B. Business & Finance Bulletin Bus-72, Establishment and Review of Auxiliary Enterprises, 5/1/81.
- C. "Policies and Regulations Applying to Campus Activities, Organizations, and Students" UC Santa Cruz Rule Book 1994-1996.
- D. UC Publications Policy, 9/1/81.

(Exhibit A)

**UNIVERSITY OF CALIFORNIA, SANTA CRUZ (UCSC)
INSURANCE REQUIREMENTS FOR COMMERCIAL USE OF CAMPUS FACILITIES
BY OUTSIDE ORGANIZATIONS AND GROUPS**

Outside organizations and groups using UCSC facilities for commercial purposes are required to maintain throughout the period of such use and at the sole cost and expense of such vendors, individuals, or groups, a policy or policies of general liability insurance protecting both the outside organization(s) or group(s) and the Regents of the University of California (Regents) from any and all claims, demands, judgments, awards and lawsuits arising out of use of UCSC facilities. The limits of liability of such policy or policies of general liability insurance shall not be less than those specified below. The insurance limits specified below do not limit the liability of the individuals, groups or vendors in any manner, and such limits are subject to modification by the campus Insurance and Risk Managers as may be required by risks associated with the use of campus facilities. *No later than ten (10) business days prior to an outside organization's or group's first use of UCSC facilities*, the individuals, vendors, or groups are required to provide UCSC with a certificate or certificates of insurance evidencing that the following insurance coverages, with the minimal limits specified below, are in full force and effect and that the policy or policies of general liability insurance have been endorsed to:

- (1)Name the Regents of the University of California, its officers, agents, and employees as insureds under the policy for all liability arising out of the outside organization's or group's use of UCSC facilities;
- (2)Provide for thirty (30) days prior written notice of cancellation;
- (3)Provide that the outside organization's or group's insurance shall be primary and non-contributing with any other valid and collectable insurance or self-insurance available to the University; and
- (4)Provide that the inclusion of more than one insured under the policy shall not operate to impair the rights of one insured against another insured and that the coverages afforded by the insurance, except for the limits of such insurance, shall apply as though separate policies had been issued to each insured.

All certificates of insurance should be sent to the UCSC department or unit sponsoring the event or activity with a copy of such certificate to the Office of Insurance and Risk Management, University of California, Santa Cruz, 1156 High Street, 'H' Barn, Santa Cruz, CA 95064 together with a cover letter which must reference (1) the event or type of use of campus facilities or product(s) to be sold, (2) the date(s) of such use, event, or sale, (3) the UCSC department or unit sponsoring the sale, event or approving the use, and (4) the name and phone number of the vendor's, individual's or group's UCSC department or unit contact. Any insurance written on a claims made policy form shall provide for not less than three (3) years continuation of coverage following the end of the event or the period of use of UCSC facilities by the individual, organization or group, and shall have a retroactive date of placement prior to or coinciding with the first day of such outside individual's, organization's or group's use of UCSC facilities. In addition, if employees of the vendor, group, or individual will be on UCSC premises, the vendor, group, or individual is required to provide evidence of workers' compensation coverage in accordance with the Labor Code of the State of California. If the vendor, group or individual will be operating motor vehicles on UCSC premises the vendor, group or individual must also provide evidence of Auto Liability insurance with limits not less than those specified below.

INSURANCE COVERAGE & LIMIT REQUIREMENTS:

General Liability-Comprehensive or Commercial Form

	Standard Minimal Limits
Each Occurrence	\$1,000,000
Products & Completed Operations	\$1,000,000
Personal & Advertising Injury	\$ 500,000
General Aggregate	\$2,000,000

Workers' Compensation :

In accordance with the Labor Code of the State of California

Auto Liability - Comprehensive Form

\$1,000,000

Combined single limit each occurrence for bodily injury and property damage covering all owned, non-owned and hired vehicles.

(Exhibit B)
UCSC Commercial Activities/Tabling Application Form(s)
Bay Tree Bookstore Tabling Area

The Bay Tree Bookstore Director is assigned the responsibility for authorizing commercial activities permits and tabling spaces in the vicinity of the Bookstore. (See Policy Section III.D.2.) Each space is approximately 8 1/2' x 10'. The following rules have been established for use of such spaces:

1. A Commercial Activities/Tabling Form must be approved and on file with the Bookstore before any space is assigned. Sponsored vendor spaces may be reserved for a maximum of five days per quarter, per vendor, however, there is no maximum limitation for student organizations or university units who wish to reserve tabling space in this area for their own non-commercial tabling purposes as long as space is available. Priority of assignment is as follows: registered student organizations, campus units, sponsored vendors. Reserved space which is not occupied by the assigned party by 10:00 a.m. may be reassigned. No more than one organization may occupy a space, and nothing may be placed in a space until it has been assigned.
2. No later than ten (10) business days prior to conducting any business on University premises, sponsored vendors will be required to have on file with the University a Certificate of Insurance evidencing compliance with the University's current insurance requirements and that the vendor's liability insurance has been endorsed to name the Regents of the University of California, its officers, agents and employees as additional insureds. Sponsored vendors may also be required to complete a separate agreement detailing specifics of the sponsorship relationship, including commissions or fees payable to the University.
3. For registered student organizations, a signed Event Approval (or equivalent approval notification) from the SOAR Office is required in advance of space assignment, and must be attached to this form.
4. All campus units, student organizations, or sponsored vendors to which spaces have been assigned will be issued a permit that must be displayed at all times.
5. The Bookstore does not provide any tables, chairs, electricity, or overnight storage. Please note that no merchandise or signs may be hung on buildings, signs, or trees.
6. Assignment of a space does not entitle the assignee to any special parking privileges. Individuals using assigned spaces are responsible for adhering to campus parking regulations, which are strictly enforced.
7. All organizations, units and vendors are responsible for being familiar with UCSC policies and applicable State laws and for complying with them. Failure to adhere to such policies will result in revocation of the commercial activities/ tabling permit. These rules may be amended by the University at any time without prior notice.

APPLICATION - SPONSORED VENDOR

This application, when signed by both the applicant and the designated University official shall act as a binding agreement between the undersigned applicant ("Vendor") and The Regents of the University of California ("University"). Vendor agrees that the University, its officers, agents, employees and students shall be free of liability for any losses, damages, and/or liabilities that may be incurred by Vendor as a result of Vendor's activities at UCSC. Vendor shall defend, indemnify, and hold University, its officers, agents, and employees harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of Vendor's activities on the UCSC campus, but only in proportion to and to the extent that such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Vendor, its officers, agents, or employees. Vendor has read, understands, and agrees to adhere to the above policies and rules.

Vendor's Name _____ Telephone _____

Company Name _____ Telephone _____

Address _____ City _____ State _____ ZIP _____

Sponsoring Campus Organization _____

Description of Fundraising Activity _____

Proposed Date(s) _____

Signature of Applicant _____ Date _____

Approved by: _____ Date _____
designated University official

APPLICATION - STUDENT ORGANIZATION OR CAMPUS UNIT

The undersigned applicant certifies that the following information is accurate, current, and correct. The applicant has read, understands, and agrees to the above policies and rules.

Student Organization or Campus Unit_____

Contact Person_____ Telephone_____

Proposed Activity_____

Proposed Date(s)_____

Signature of Applicant _____ Date_____

Approved by: _____ Date_____
designated University official

(Exhibit C)

UCSC

COMMERCIAL ACTIVITIES/TABLING PERMIT

Vendor Name, Campus Unit, or Student Organization

University Sponsor (if different than above):

Purpose (if fund-raising activity):

Names of individuals staffing tables:

Effective Dates: _____ through _____

Location: _____

Approved by: _____, ext._____, date_____ Permit #_____
signature