



Ohio Administrative Code

Rule 3364-25-51 Solicitation, advertising and distribution.

Effective: November 26, 2018

(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 associate vice president and chief human resources officer or designee is 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 associate vice president of marketing and communications or designee is 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 requests for gifts by external or internal individuals and organizations for any purpose connected with the university. 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.



(D) Roles and responsibilities

(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 marketing and communications.

(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 marketing and communications. Said departments or units may not advertise for the university or themselves without the prior approval of university marketing and communications. Specific advertising must be reviewed and approved by university marketing and communications 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



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before or after a shift.