

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Commercial Solicitation of Students

NUMBER: 3.2.3

1. The Board recognizes that students have significant interests in obtaining information about goods and services that may be of assistance to them in their educational pursuits or otherwise. At the same time, it recognizes that it has an obligation as the constitutional governing board for South Dakota public higher education to promote an educational, rather than a commercial atmosphere on the campuses; to promote the safety and security of students; to prevent commercial exploitation of students; to assure that state facilities are used and operated in a manner consistent with the purposes for which they were constructed and are maintained; and to preserve the tranquility of its student residences. It is the purpose of the Board, in adopting this policy, to assure that students have reasonable access to commercial information and to commercial transactions, in such places, at such times and in such manners as are consistent with the educational missions of its institutions.
2. Commercial solicitation or sale of goods or services to students on institutional campuses is prohibited, unless specifically approved by the institutional chief executive officer or that officer's designee.
 - A. Approval may not be given for commercial solicitation that is more likely to deceive students than to inform them.
 - B. Approval may not be granted to solicit or to conduct commercial transactions related to illegal activities.
 - C. Approval may be granted to solicit or to conduct commercial transactions in goods or services provided that:
 1. Any restrictions placed on the time, place or manner in which such commercial activities are conducted must contribute to achieving one of the policy objectives outlined above.
 2. In determining such restrictions, attention should be given to the effects such restrictions might have on the opportunities available to interested parties to carry out such commercial activities in settings that are consistent with the intended use of publicly funded facilities and that do not impede the objectives of the institutions.

- a. Commercial transactions shall not interfere with the achievement of institutional objectives; and
 - b. Institutions cannot authorize the use of institutional facilities for purposes that do not further the established missions of the universities.
- 3. Commercial activities that are inconsistent with the established uses of institutional facilities or that interfere directly with the policy objectives outlined above in fashion that cannot be accommodated by limiting the time, place and manner of such activities may be prohibited.

SOURCE: (RR, 12:10, 1977); BOR March 1993; October 2023 (Clerical)