



**USE OF UTHealth BUILDINGS AND SOLICITATION
REFERENCE GUIDE**

Use of UTHealth Buildings and Solicitation

Reference Guide

Table of Contents

Purpose: Use of Buildings and Solicitation Reference Guide	3
How to Use this Guide	3
PART A: Solicitation.....	4
STEP 1	4
STEP 2.....	4
STEP 3.....	4
PART B: Use of Facilities	7
STEP 1	7
STEP 2.....	7
<i>Building Use Guidelines for Registered or Recognized Organizations</i>	7
<i>Building Use Guidelines for Non-UTHealth Entities</i>	8
<i>Building Use Guidelines for Clinicians and Industry</i>	9

Purpose: Use of Buildings and Solicitation Reference Guide

Requests to use property or facilities belonging to the University of Texas Health Science Center at Houston (UTHealth) often involve complex issues that go beyond simply reserving a room or placing a flyer on a bulletin board. Because UTHealth is a state agency, there are important strategies we must implement to advance our academic, research and clinical activities while at the same time upholding our role as stewards of state resources entrusted to us by the State of Texas and The U.T. System Board of Regents. The purpose of this Guide is to provide a summary of laws, rules, and policies related to the use of the buildings and facilities belonging to UTHealth. Refer to [HOOP 11, Use of University Facilities](#), and [HOOP 165, Solicitation on Campus](#) for detailed information. For questions regarding the permissibility of activities or the approval of solicitation activities, contact the [Vice President and Chief Auxiliary Enterprises Officer](#).

How to Use this Guide

When determining whether university facilities and property can be used for a particular activity, there are two primary issues that must be considered: what kind of activity will be conducted and by whom. Other issues such as interference with university operations or legally prohibited activities must also be considered.

This Guide is a series of “Yes/No” questions divided into two parts. Addressing each question in “Part A” and in “Part B” will ensure compliance with the laws, rules and policies related to the use of the buildings and facilities belonging to UTHealth.

PART A: Solicitation

STEP 1: Determine if the requested activity is defined as “solicitation”:

- a. Is the activity related to the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service? **If “Yes”, Go to STEP 2.**
- b. Does the activity involve making oral statements designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service? **If “Yes”, Go to STEP 2.**
- c. Does the activity involve distributing or displaying printed material, merchandise, or products designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service? **If “Yes”, Go to STEP 2.**
- d. Does the activity involve the receipt of or request for any gift or contribution? **If “Yes”, Go to STEP 2.**
- e. Does the activity involve the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at an election held pursuant to State or Federal law or local ordinances? **If “Yes”, Go to STEP 2.**

If the answer to all of the above questions is “No”, Go to PART B, “Use of Facilities.”

STEP 2: Would the activity interfere with the academic programs or administrative activities of the university?

If the answer to STEP 2 is “Yes”, the requested solicitation activity is not permitted.

If the answer to STEP 2 is “No”, Go to STEP 3.

STEP 3: Determine if activity falls within one of the following Permissible Solicitation Categories:

1. Newspapers/ Magazines sold in an unattended rack or vending machine in areas designated in advance.
2. Food and Drinks sold in vending machines operated by the university or a subcontractor in an area designated in advance.
3. Books or other publications used in regular academic work of the university sold by the university or a subcontractor.
4. Services established and maintained primarily for the convenience of students, faculty, staff or patients provided by a third party or by the university on behalf of a third party (via written agreement).
5. Items sold at programs or events sponsored or authorized by the university or a subcontractor, under a written agreement, of food, drink, souvenirs, novelty items, and programs.
6. Students’ Association or a Registered Student, Faculty, or Staff Organization:
 - may collect contributions;
 - may sell merchandise, publications, food, or nonalcoholic beverages;
 - may collect membership fees or dues at meetings scheduled in accordance with the facilities use regulations;
 - may not conduct solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student,

faculty, or staff organization or that is not otherwise qualified as a 501(c)(3) to conduct solicitation;

- may collect Admission Fees for movies or for other programs sponsored or presented by the students' association or by a registered student, faculty, or staff organization;
 - may distribute printed materials, including those containing paid advertising, if the publication is devoted to promoting the views of a not-for-profit organization or to editorial content distinct from the advertising. These materials may also contain advertising for the university, for university organizations, or for organizations that are not operated for profit.
7. 501(c)(3) Organizations may solicit funds if:
 - they present written documentation from the IRS that the organization is exempt under *Internal Revenue Code Section 501(c)(3)*;
 - the solicitation is conducted in areas designated for that purpose;
 - while soliciting, they have credentials identifying them as authorized agents of the organization; and
 - the solicitation activities are only conducted for 14 days or less, whether continuous or intermittent, during each fiscal year.
 8. Occasional sales of goods or services conducted solely for the resident of an individual university apartment when the resident of such apartment has given an invitation for salespersons to come to the individual apartment for that purpose.
 9. Advertising displayed on an outdoor electronic marquee or message center owned and operated by the university.
 10. Raffle Tickets sold by a registered student organization on behalf of an organization that is authorized to conduct a charitable raffle under the *Texas Occupations Code Section 2002.001 et seq.*
 11. Personal computer hardware and software for use by students and faculty in the academic programs of the university displayed and demonstrated by manufacturers and distributors if:
 - conducted no more than once each academic year upon invitation by the president or his or her delegate;
 - are limited to the time and place designated by and under guidelines specified by the university; and
 - they do not make sales or take orders.
 12. Benefit Plan Information distributed to employees if:
 - The materials relate to benefits available to employees through employee benefit plans or programs offered by or approved by the university; and
 - the materials are distributed at the Office of Human Resources, at the Benefits office of a health profession practice plan of a health institution, or at meetings scheduled for that purpose.
 - Currently authorized Optional Retirement Program vendors may be permitted to engage in on-campus seminars to provide education, product marketing, and participant enrollment. Currently authorized Optional Retirement Program vendors may advertise on-campus meetings throughout the institution, subject to prior approval by the institution.
 13. Employee Discount Programs information:
 - may be distributed to employees if related to products and services offered by companies that provide employee discount programs, merchandise membership programs, credit union and banking programs, or other benefits that are available to employees through discount plans or programs approved by the university;
 - may be distributed or presented by the Office of Human Resources, with the approval of the president; and
 - may be placed on institution web pages for the purpose of providing education, product and service information, and participant enrollment.
 14. Employees may make solicitations when acting in the course and scope of their authority.

15. Printed materials may be displayed and distributed at tables or booths by providers of services that are commonly utilized by students, faculty, and staff of the university, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies if:
 - No more than two one-day periods each academic year for the activities is authorized at a designated time and place by the president who also determines the number of providers who participate;
 - The providers do not make sales of or take orders for services;
 - The university charges an appropriate fee for conducting such activities; and
 - Any campus credit card marketing activities comply with the *Texas Business and Commerce Code Section 35.131*.
16. Intercollegiate athletic events, professional entertainment touring events, or occasional cultural or historical festivals or exhibitions authorized by the president may be used for the display of motor vehicles and for the location of booths, tables, or kiosks to be used for the display of merchandise, the distribution of free samples of merchandise, and the display and distribution of printed material related to merchandise, products, or services. These activities may be authorized only on the day before and the day or days of the event.
17. Elections for a faculty governance organization or of a student government organization requesting votes for or against a candidate or votes for or against a proposition.
18. Support of a Candidate or Proposition may be requested to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, State, or local laws if:
 - The request is made by a registered student, faculty, or staff organization, or by a student, faculty member, or staff member;
 - No faculty member, staff member, or student employee engage in such activities during any period that he or she is being paid to perform duties for the university; and
 - No registered student, faculty, or staff organization that receives State funds from any source engages in such activities.
19. Web Page Links placed on the university's web page of textual and graphic information and a hypertext link to the web site of a person or commercial entity for which the U. T. System or the university may receive revenue or avoid costs as a result of the permitted solicitation in accordance with guidelines promulgated by the Executive Vice Chancellor for Business Affairs.
20. Roommate Advertisements posted by students, faculty, and staff for roommates, subleases, and sales of used goods that the seller has personally owned and used, subject to the institution's reasonable and nondiscriminatory rules concerning time, place, and manner of posting.

If the activity falls into one of the permissible solicitation categories outlined in STEP 3, the requested solicitation activity may be permissible. Go to PART B, "Use of Facilities."

If the activity does not fall into one of the permissible solicitation categories outlined in STEP 3, the requested solicitation activity is not permissible.

PART B: Use of Facilities

STEP 1: Consider constitutional and statutory restrictions:

- Does the requested activity have a religious purpose?
- Does the requested activity have a political purpose?
- Does the requested activity involve distributing any petition, handbill, object, or piece of literature; posting or carrying a sign, placard, or banner; or engaging in speech or conduct that is obscene, libelous, or likely to incite or produce lawless action?

If “Yes”, contact the [Office of Legal Affairs](#) for a determination.

If “No”, Go to STEP 2.

STEP 2: Determine the nature of the individual or entity making the request:

- a. Is the requestor a Students' Association? **If “Yes”, Go to “*Building Use Guidelines for Registered or Recognized Organizations.*”**
- b. Is the requestor a Registered Student Organization? **If “Yes”, Go to “*Building Use Guidelines for Registered or Recognized Organizations.*”**
- c. Is the requestor a Registered Faculty Organization? **If “Yes”, Go to “*Building Use Guidelines for Registered or Recognized Organizations.*”**
- d. Is the requestor a Registered Staff Organization? **If “Yes”, Go to “*Building Use Guidelines for Registered or Recognized Organizations.*”**
- e. Is the requestor an Officially Recognized Alumni Association whose fund-raising activities are dedicated to the benefit of the university? **If “Yes”, Go to “*Building Use Guidelines for Registered or Recognized Organizations.*”**
- f. Is the requestor an individual or group not registered with or recognized by the university? **If “Yes”, Go to “*Building Use Guidelines for Non-UTHealth Entities.*”**
- g. Is the requestor a for-profit entity that develops, produces, markets, sells or distributes goods, services, or equipment related to patient care activities for use by the university or who has a contractual relationship with the university? **If “Yes,” Go to “*Building Use Guidelines for Non-UTHealth Entities*” and the “*Conflict of Interest and Outside Activities Decision Matrix for Clinician Relationships with Industry.*”**

Building Use Guidelines for Registered or Recognized Organizations

Registered or Recognized Organizations:

- Must submit an [application to Auxiliary Enterprises](#) for review and approval;
- Are subject to *Rental Fees*, as outlined below, when using the institution's buildings and grounds;
- May not enter into joint sponsorship of on-campus projects with individuals or groups that are not registered with or recognized by the university; and
- Are subject to the “Conflict of Interest and Outside Activities Decision Matrix for Clinician Relationships with Industry,” as outlined below.

If the Registered or Recognized Organization meets the conditions outlined above, the requested use of facilities is permissible once official approval is received (see above).

If the Registered or Recognized Organization does not meet the conditions outlined above, the requested use of facilities is not permissible.

Building Use Guidelines for Non-UTHealth Entities

Individuals or groups that are not Registered with or Recognized by the university:

1. May only use university facilities at the invitation of the university;
2. May only use university facilities as part of a joint sponsorship with a department or subdivision of the university approved by the [Vice President and Chief Auxiliary Enterprises Officer](#);
3. May not use university facilities for activities that result in private gain for the non-UTHealth entity;
4. Must qualify as a not-for-profit organization;
5. May only use university facilities for activities that are a direct supplement and benefit to the university's or The University of Texas System's educational purposes;
6. Must Submit an [application to Auxiliary Enterprises](#) for review and approval by Auxiliary Enterprises;
7. Must follow *Reservation Procedures*, outlined below, when using the institution's buildings and grounds;
8. Are subject to the "Conflict of Interest and Outside Activities Decision Matrix for Clinician Relationships with Industry," as outlined below; and
9. Must comply with the following Conditions of Use:
 - a. The non-university entity shall provide proof of insurance satisfactory to the university evidencing its provision of adequate insurance for the event in question, and such insurance shall list the university as an additional loss payee for the insurance policy.
 - b. If any alcohol is served at the event in question, the non-university entity shall be solely responsible for procuring any and all necessary licenses (including without limitation licenses from the Texas Alcohol Beverage Commission) relating to such alcohol service, and the non-university entity must follow any and all university regulations relating to alcohol service (including without limitation those set forth in [HOOP Policy 9 Alcoholic Beverages](#)). University police personnel must be engaged for and in attendance at any events in which alcohol is served, and the non-university entity must compensate the university for wages and expenses for such personnel.
 - c. In addition to any other payments required, the non-university entity must pay *Rental Fees* to the university as outlined below.
 - d. The non-university entity shall execute documentation as required by the university, including without limitation a [Facilities Use Agreement](#).

If the Non-Registered or Non-Recognized Organization meets the conditions outlined above, the requested use of facilities is permissible once official approval is received (see above).

If the Non-Registered or Non-Recognized Organization does not meet the conditions outlined above, the requested use of facilities is not permissible.

Rental Fees

All users of university facilities must compensate the university for additional expenses incurred by the university as a result of the use of facilities, including additional utilities fees, cleanup and maintenance costs, and salaries for additional law enforcement, security or support personnel.

The university may engage additional law enforcement, security or support personnel in its sole discretion in connection with any use of facilities. Such expenses are invoiced to users and users must agree to pay for the expenses prior to the use of university facilities.

The university may revoke its permission for use of facilities if the prospective facility user fails to execute documentation required by the university.

Building Use Guidelines for Clinicians and Industry

UTHealth HOOP 20, [Conflict of Interest and Outside Activities](#), addresses the interactions that clinicians have with industry that might occur as part of the duties and responsibilities assigned to their positions or during the course of training programs. From time to time, these interactions may occur in UTHealth facilities.

For purposes of HOOP 20, the term “clinicians” refers to faculty members and trainees at all levels (*i.e.*, students, interns, residents, fellows, post-doctoral trainees) in any patient care discipline, including specialties of medicine, dentistry, nursing, and allied health sciences. The term “industry” is defined as any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment related to patient care activities for use by the university or participates in a contractual relationship with the university.

Interactions with industry in UTHealth facilities must be regulated and in some cases prohibited in order to avoid conflicts of interest as well as, to the extent possible, perceptions of such conflicts. An excerpt of HOOP 20 related to Building Use for Clinicians and Industry, taken from [Conflict of Interest and Outside Activities Decision Matrix for Clinician Relationships with Industry](#), is below. If a particular activity is not listed, it is expected that clinicians will act appropriately to avoid real and potential conflicts, and will seek guidance when needed from Auxiliary Enterprises.

Decision Matrix for Clinician Relationships with Industry

Activity	Responsibilities of Clinician
Meals or food and beverage items at on-campus events where Continuing Medical Education credits are awarded	Industry may not <u>directly</u> provide meals or food and beverage items at on-campus courses, workshops, and symposia that are accredited and award Continuing Medical Education credits. Industry sponsors may give unrestricted grants <u>only</u> to the university office responsible for granting and regulation of the CME credit. Such gifts may then be used by the university office to buy food and beverages for continuing education meetings. The use of industry funds should be disclosed to participants.
Meals or food and beverage items at on-campus events related to clinical activities or medical education where Continuing Medical Education credits are <u>not</u> involved	Industry may not <u>directly</u> provide meals or food and beverage items for other on-campus events related to clinical activities or medical education. However, for those events at which no CME credit is awarded, industry sponsors may give unrestricted grants to the university (e.g., department chairs, training program directors, deans, or their designees). Individual clinicians or other employees may not apply for or receive such grants. A reasonable portion of the grants may then be used for meals or food and beverage items, to the extent that this is required by the timing or nature of the activity. The use of industry funds should be disclosed to participants.

<p>Meals or food and beverage items for areas related to patient care activities</p>	<p>Industry representatives may not provide meals or food and beverage items for clinics, clinicians' offices, or other areas related to patient care activities. However, industry representatives may provide refreshments during scheduled appointments to orient clinicians to a specific product or device, as determined by each department's policy.</p>
<p>Industry sponsorship of educational events on campus</p>	<p>All educational events sponsored by industry on campus must follow university policies. In addition, clinicians should be aware of recognized standards for commercial support established by accrediting organizations such as the Accreditation Council for Continuing Medical Education.</p>
<p>Site access by vendors</p>	<p>Industry representatives must follow established university procedures for access to clinicians. Such activities are to be regulated by the leadership of the applicable department. Industry representatives are not permitted in patient care areas when patient care activities are occurring, except as required to orient personnel to a specific product or device that has been purchased for use by UTHSC-H. Such interactions must be appropriately scheduled in advance. Pharmaceutical and medical device detailing may occur but must be scheduled before or after clinics or during mid-day breaks and as determined by each department's policy.</p>
<p>Promotional material and product-specific advertisements</p>	<p>Industry representatives may not enter patient care areas solely for promotional purposes. Promotional materials and product-specific advertisements may not be left in patient care areas.</p>
<p>Industry interaction with trainees</p>	<p>Industry representatives may not interact directly with trainees solely for the purpose of promoting professional products or for distributing materials. Industry sponsorship of training experiences is acceptable as long as the university selects the trainees, receives the funds, determines that the experience has educational merit and discloses the use of industry funds to the participants.</p>