

EXCERPTS FROM EXISTING UC POLICIES RELEVANT TO ADVERTISING ON UC WEB SITES

SUMMARY

Existing University of California policies that appear to be applicable to advertising on UC web sites regulate the following behaviors:

1. Personal use of University property is not permitted without approval of the Chancellor or Vice President.
2. Campus may restrict the use of University properties for commercial purposes and personal financial gain.
3. No person shall use the name, seal, or trademarks of the University without the written permission of the Regents.
4. Official recognition of Support Groups, Campus Foundations, and Alumni Associations establishes the privileges of using the University's name, facilities, and resources.
5. Speech and advocacy on the campuses are subject to campus regulations that shall protect persons against practices which would make them involuntary audiences.
6. The distribution, rental, or sale of an individual's name and address for commercial purposes is prohibited.
7. Official publications of the University should not contain commercial advertising.
8. All income from an unrelated business activity shall be recorded in the revenue account(s) assigned to the activity
9. Direct expenses attributable to the sale and publication of commercial advertising in a campus periodical must be allocated.
10. The Materiel Manager should negotiate quantity or payment discounts in lieu of supplier rebates or incentive payments.
11. University credit, purchasing power, and facilities shall not be used to purchase goods or services for individuals or for non-University activities.
12. In reviewing requests for approval of naming for a donor, consideration shall be given to: the significance of the gift, the urgency of the need, the eminence of the individual, and the individual's relationship to the University.

USE OF UNIVERSITY EQUIPMENT

Business and Finance Bulletin BUS-29, Management and Control of University Equipment

(September 15, 1995)

"[Section N] Personal Use Of Property. Use of University materiel, or property in the care and custody of the University, by University employees for personal purposes is not allowed except with the approval of the Chancellor, or as appropriate, the Senior Vice President--Business and Finance or the Vice President--Agriculture and Natural Resources."

Policies Applying to Campus Activities, Organizations, and Students

(August 15, 1994)

Section 42.40 Use of University Property for Commercial Purposes

"Except as otherwise provided in these Policies, campus regulations may adopt narrowly defined restrictions on the use of University properties for commercial purposes and personal financial gain."

USE OF THE UNIVERSITY'S NAME

State of California Education Code, Section 92000

"The name "University of California" is the property of the state. No person shall, without the written permission of the Regents of the University of California, use this name, or any abbreviation of it or any name which these words are a part in any of the following ways:

(1) To designate any business, social, political, religious, or other organization, including but not limited to, any corporation, firm, partnership, association, group, activity, or enterprise; or

(2) To imply, indicate or otherwise suggest that any such organization, or any product or service of such organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by the University of California; or

(3) To display, advertise, or announce this name publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition, or defeat of any strike, lockout, or boycott, or of any political, religious, sociological, or economic movement, activity, or program."

Policy On Support Groups, Campus Foundations, And Alumni Associations

(September, 1995)

"Official recognition establishes the privileges and responsibilities of the relationship between these entities and the University, including use of the University's name, facilities, and resources. Without such recognition, no group may (a) represent itself as raising funds or otherwise providing support on behalf of or for the benefit of the University, a campus, or any institutional unit thereof; (b) use the name of the University or any of its campuses, facilities, or programs either expressly or by implication in connection with such activities; or (c) use University facilities, equipment, or personnel in connection with such activities."

" Affiliated Organizations: Under special circumstances, when an entity does not fit the above definitions [Support Groups, Campus Foundations, Campus Alumni Associations], a campus may enter into an affiliation, for a defined time period, by written agreement. Such an agreement may permit the use of the University's name, facilities, personnel, and other resources in return for specified benefits received by the University. Affiliation by agreement shall not be used to circumvent this Policy and shall be entered into only by the Chancellor or a single campus official so designated by the Chancellor, in accordance with applicable University policies, guidelines, and procedures."

SPEECH AND ADVOCACY

Policies Applying to Campus Activities, Organizations, and Students

(August 15, 1994)

Section 30.30 - "The time, place, and manner of exercising speech and advocacy on the campuses are subject to campus regulations that shall provide for noninterference with University functions and reasonable protection to persons against practices which would make them involuntary audiences."

PRIVACY

Business & Finance Bulletin RMP-12, Guidelines for Assuring Privacy of Personal Information in Mailing Lists and Telephone Directories

(June 15, 1989)

Section III.C [Prohibition on Release of Names and Addresses for Commercial Purposes]- " Civil Code Section 1798.60 (IPA) prohibits distribution, rental, or sale of an individual's name and address for commercial purposes unless specifically authorized by law."

COMMERCIAL ADVERTISING

President Saxon's Letter

(April 12, 1979)

"Official publications of the University—those of an informational or administrative nature used in the conduct of routine activities, including maps, guides, directories, catalogs, departmental announcements, and schedules of classes—should not contain commercial advertising."

President Gardner's Letter

(July 26, 1985)

" ... this communication is meant to reaffirm that policy. Official publications of the University—those of an informational or administrative nature used in the conduct of routine activities, including maps, guides, directories, catalogs, departmental announcements, and schedules of classes—should not contain commercial advertising."

Business & Finance Bulletin RMP-12, Guidelines for Assuring Privacy of Personal Information in Mailing Lists and Telephone Directories

(June 15, 1989)

Section V.C [Definition of "University Publications"] - "President Saxon's policy statement of April 12, 1979 defines official University publications as those that are informational or administrative, and used in the conduct of routine activities. Examples include: maps, guides, directories, catalogues, departmental announcements, and class schedules."

Section VI.C -

- "1. President Saxon's 1979 letter defines 'official publication' and states that such a publication 'should not contain commercial advertising'.
2. President Gardner's 1985 letter reiterates and confirms the 1979 ruling prohibiting commercial advertising in official University publications such as directories and mailing lists."

UNRELATED BUSINESS INCOME

Business & Finance Bulletin A-61, Procedures for Determining Unrelated Business Income and Expenses

(March 15, 1990)

Section V.B.1 - " The term unrelated business income means gross income derived from any unrelated trade or business activity regularly carried on by the University. All income (or revenue) from an unrelated business activity shall be recorded in the revenue account(s) assigned to the activity. If a unique revenue account is not assigned to the activity, detailed records should be maintained that segregate the department's unrelated and related income. User data or special sampling studies may also be used to estimate income attributable to the unrelated business activity."

Section VI.D - " The Code contains special rules for the allocation of direct expenses attributable to the sale and publication of commercial advertising in a campus periodical. First, the total costs of the periodical must be established. Periodical costs consist of direct advertising costs and readership (or circulation) costs. Costs associated with

teaching, research, or other exempt activities of the department may not be allocated to the periodical. Any costs pertaining both to the periodical and other exempt functions must be allocated on a reasonable and consistent basis...After the total periodical costs have been identified, the costs benefiting advertising and readership activities must be determined."

PURCHASING

Business & Finance Bulletin BUS-43, Materiel Management Purchase Transactions, Part 3

(August 15, 1998)

Section .A.6 - " Rebates - In general, the Materiel Manager should negotiate quantity or payment discounts in lieu of supplier rebates or incentive payments."

Section X.A - " University credit, purchasing power, and facilities shall not be used to purchase goods or services for individuals or for non-University activities."

Business & Finance Bulletin BUS-43, Materiel Management Purchase Transactions, Exhibit B, Principles of Purchasing and Code of Ethics

(December 15, 1994)

Item 4 - "Refrain from soliciting or accepting money, loans, credits, or prejudicial discounts, and the acceptance of gifts, entertainment, favors, or services from present or potential suppliers that might influence, or appear to influence, purchasing decisions."

Item 7 - "Refrain from reciprocal agreements that restrain competition."

NAMING

Policy on Naming University Properties, Programs, and Facilities

(March, 1996)

Section 2.A. -

- "2. In reviewing requests for approval of naming for a donor or for a person whose name is proposed by a donor, consideration shall be given to: a. the significance of the proposed gift as it relates to the realization and/or success of the project or to the enhancement of the project's usefulness to the University; b. the urgency of need for the project or for support funds for the project; c. the eminence of the individual whose name is proposed; and d. the individual's relationship to the University.
3. The gift shall be in an amount which will either fund the total cost of the project to be named or provide funding for that portion of the total cost which would not have been available from another source (such as federal or state loans or appropriations, student fees, bond issues), the latter to constitute a significant portion of the total cost of the project to be named, as determined on the merits of each individual case."

EXCERPTS FROM PROPOSED UC POLICIES

SUMMARY

On March 23, 1998, President Richard Atkinson reissued the University of California Electronic Mail Policy, which established principles for the Acceptable Use of Electronic Mail. In June 1999, Vice President Kennedy's office issued a *draft* Electronic Communications Policy that extended to all forms of electronic communication—despite the differences between electronic mail, Web sites, telephones, radio, and other technologies—the core provisions governing acceptable use that were first established in the Electronic Mail Policy.

To the degree possible, the draft Electronic Communications Policy refers to existing University policy on such matters as use of University resources; conduct; time, place and manner of speech and advocacy; and compliance with law. As do those in the Email Policy, the acceptable use provisions allow incidental personal use of electronic communications facilities that does not create noticeable additional expenses for the University or give the impression that the individual is representing an official University position. Use of University electronic communications facilities is not permitted for commercial or personal financial gain, political activity beyond incidental personal communication, or for activities that are likely to interfere with the operations of the electronic communications system. University electronic communications facilities may not be used for activities that violate the law.

The draft Electronic Communications Policy has been sent to Chancellors for official comment by the campuses. Faculty, staff, and students were also invited to comment on the Policy via UC web sites.

DRAFT UC ELECTRONIC COMMUNICATIONS POLICY

(July 30, 1999)

Section III.D, Allowable Use

- 1. Purpose.** Electronic communications facilities may be provided by University units or sub-units in support of the teaching, research, and public service mission of the University, and of the administrative functions that support this mission.
- 2. Non-Competition.** University electronic communications facilities shall not be provided to individual consumers or organizations outside the University except where such services support the mission of the University and are either unique or would not be in competition with commercial sources.
- 3. Restrictions.** University electronic communications facilities may not be used for:
 - unlawful activities;
 - commercial purposes not under the auspices of the University;
 - personal financial gain (except as permitted under applicable academic personnel policies);
 - personal use inconsistent with Section III, Allowable Use; or
 - uses that violate other University or campus policies or guidelines. The latter include, but are not limited to, policies and guidelines regarding intellectual property and sexual or other forms of harassment (see Appendix B, References).
- 4. Representation.** Use of the University's name and seal is regulated by the State of California Education Code 92000. Users of electronic communications facilities must abide by this statute as well as by University and campus policies on the use of the University's name, seals, and trademarks (see Appendix B, References). Users of electronic communications facilities shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the University or any unit or sub-unit of the University unless appropriately authorized (explicitly or implicitly) to do so. While it is permissible to indicate one's affiliation with the University, unless it is clear from the context that the author is not representing the University an explicit disclaimer shall be included. An appropriate disclaimer may take the form: "These statements are my own, not those of the Regents of the University of California."
- 5. Endorsements.** References or pointers to any non-University entity contained within University electronic communications must not imply University endorsement of the products or services of that entity. The context of the reference should make it evident that an endorsement is not implied. If this is not the case, a disclaimer should be displayed. An appropriate disclaimer may take the form, "References or pointers on these pages to non-University entities do not represent endorsement by the Regents of the University of California."

6. False Identity and Anonymity. Users of University electronic communications facilities shall not employ a false identity (the name or electronic identification of another, either directly or by implication) but may use a pseudonym (an alternative name for oneself) so long as the pseudonym clearly does not constitute a false identity.

Anonymous Electronic communications may be sent in cases of whistleblowing, in conformance with Business and Finance Bulletin G-29, Procedures for Investigating Misuse of University Resources. Postings to moderated electronic communications services that involve sharing among groups of users may also be anonymous provided that the manager, moderator, or other person who controls the content (a) is clearly identifiable by name and electronic address, and (b) assumes responsibility for such anonymous postings.

7. Interference. University electronic communications facilities shall not be used for purposes that could reasonably be expected to cause, directly or indirectly, excessive strain on any electronic communications facilities, or unwarranted or unsolicited interference with others' use of electronic communications facilities. See Section III.F, Supplement: Specific Services, for examples.

8. Personal Use. University users of a University electronic communications facility or service may use that facility or service for incidental personal purposes provided that, in addition to the foregoing constraints and conditions, such use does not: (i) directly or indirectly interfere with the University's operation of electronic communications facilities; (ii) burden the University with noticeable and avoidable incremental cost; or (iii) interfere with the user's employment or other obligations to the University. Personal use is also subject to the provisions of Section III.F, Supplement: Specific Services. When incremental costs are unavoidable, users shall reimburse the University following campus procedures and guidelines. . .

9. Accessibility. All electronic communications intended to accomplish the academic and administrative tasks of the University shall be accessible to allowable users with disabilities in compliance with law and University policies where this is financially and administratively feasible. Where it is not feasible to make electronic communications accessible, alternative methods shall be made available to complete the same tasks.

10. Intellectual Property. The contents of all electronic communications shall conform to law and University policies regarding protection of intellectual property, including laws and policies regarding copyright, patents, and trademarks. When the content and distribution of an electronic communication exceed fair use as defined by the federal Copyright Act of 1976, users of University electronic communications facilities shall secure appropriate permission to distribute protected material in any form, including text, photographic images, audio, video, graphic illustrations, and computer software. Users should assume that material created by others, in electronic or other form, is protected by copyright unless such material includes an explicit statement that it is not protected, or unless such material is clearly in the public domain.

11. Unsolicited Communications. Users of University electronic communications facilities may send unsolicited mass communications only when authorized to do so in support of the University's business and in compliance with campus guidelines. Campus guidelines must be consistent with this Policy and laws on electronic solicitat