

# VENDING POLICY

1. In consideration for the University permitting organization to conduct vending or promotional activities on campus, the applicant organization agrees to fully comply with the University's policies and all applicable, local, state and federal laws, including, but not limited to applicable consumer protection laws.
2. In addition, organization agrees not to discriminate against any employee, student or customer on the basis of race, religion, national origin, gender, sexual preference, age or disability.
3. If the organization is a non-University affiliate, it further agrees to the following terms and conditions:
  - a. The University shall not be liable for any injuries to persons or damage to property which organization; other participants or their respective representatives may suffer.
  - b. Organization is responsible for any damage to facilities, which might result from its activities.
  - c. Organization hereby voluntarily waives and releases any and all claims and causes of action against the University, its trustees, officers, employees, agents and students that arise from or relate to the activities covered by this permit request.
  - d. Organization agrees to indemnify, defend and save harmless, the University, its trustees, officers, employees, agents and students from all claims, costs, causes of action, damages, expense and liabilities whatsoever (including attorneys' fees) that arise from or relate to the activities covered by this permit request.
  - e. Organization, at its own cost and expense, shall obtain and maintain in force during the period of its activities at the University the following insurance coverage<sup>1</sup>:
    - i. A policy of Worker's Compensation insurance, in amounts required by law, covering all officers, employees and agents of the Organization.
    - ii. A policy of comprehensive general liability insurance with broad form property damage endorsement, with such policy to afford protection to the limit of One Million Dollars (\$1,000,000) with respect to bodily injury or the death of any number of persons in any one occurrence and One Million Dollars (\$1,000,000) with respect to the property of any one owner for one occurrence.
    - iii. A policy of comprehensive automobile liability coverage covering the operation of all automobiles, whether owned or not by the Organization, used in connection with the performance of this Agreement with such policy to afford protection to the limit of One Million Dollars (\$1,000,000) with respect to bodily injury or death of any number of persons in any one occurrence and Five Hundred Thousand Dollars (\$500,000) with respect to damage to property of any one owner from one occurrence.

<sup>1</sup> Each of these insurance policies shall be issued by insurance companies licensed to conduct business in the Commonwealth of Pennsylvania and shall name the Trustees of the University of Pennsylvania as an Additional Insured except for Worker's Compensation. The Organization shall furnish to the Office of the Vice Provost for University Life or the Office of the Vice President for Business Services a certificate of insurance for each of the above-mentioned policies.

## Campus Organizations

Since the University of Pennsylvania is a tax-exempt organization, the use of its indoor and outdoor facilities for the purpose of selling or promoting any product or service must be strictly regulated. Accordingly, the following guidelines have been established:

1. Machine vending inside University buildings falls under the jurisdiction of the Managing Director of Campus Dining and those others to whom that authority has been given. Any other vending is not permitted in accordance with Human Resource Policy #710.
2. The Director of Student Life or designee is responsible for requests from University affiliates and non-University affiliates to conduct vending or promotional activities on Locust Walk between 36th and 37th Streets, Perelman Quadrangle, Hamilton Village and other University Life Facilities.
3. Apart from approved truck vendors, outdoor sales and promotional activities are generally restricted to registered student organizations and University departments who wish to fundraise for their own benefit. Approval for such activities must be obtained from the Office of Student Life. Outside groups or corporations, however, will not normally be permitted to conduct sales and vending or promotional activities on University property under the sponsorship of University groups.
4. Because the profits raised by Penn Student Agencies (PSA) are transferred into the University's funds for student financial aid and other services, PSA should be given exclusive rights or preferential treatment in the selling of certain products or services in the outdoor area of campus. Responsibility for such decisions rests with the Director of Student Life, and at the beginning of each academic year, PSA shall provide the Director of Student Life or designee with a list of those products or services it wishes to sell. The Director will share that information with any other student organizations that may be interested in selling similar products or services.
5. Vending/promotions permits are required for all organizations, registered student groups or departments wishing to sell items or conduct promotional activities in outdoor campus areas. Permits must be approved in writing by an authorized employee of the Vice Provost for University Life for the following areas: Locust Walk between 36th and 37th Streets, Perelman Quadrangle, Hamilton Village and other University Life Facilities, and to the Vice President for Business Services for all other areas and must be shown to any University official, including Public Safety officers, on request. Failure to obtain a vending/promotions permit will result in the vendor's eviction from campus and may result in loss of future privileges.
6. All vending/promotional activities, including ticket sales, credit card applications, etc., will normally be located in the block of Locust Walk between 36th and 37th Streets in order to eliminate traffic congestion elsewhere on campus. Requests to conduct vending or promotional activities in other campus areas may be approved by the Office of Student Life or designee in consultation with other appropriate administrators when unusual circumstances warrant a different location.
7. The distribution of non-commercial handbills or flyers by University groups is generally permitted on Locust Walk as long as the individuals conducting such activities are not impeding traffic, imposing their will on the University community (e.g., forcing people to take handbills), creating a disturbance, or generating an excessive amount of trash. Posting of handbills and flyers is restricted to authorized kiosks and bulletin boards. Individuals or groups are responsible to clean up trash related to their activities.

8. Those who conduct vending or promotional activities on Locust Walk close to classroom or residential buildings are asked to keep the volume of noise to a level that does not interfere with normal University activities. The noise level at such activities must be consistent with the standard. Bullhorns and other forms of sound amplification may not be used unless special permission is received from the Office of Student Life.
9. The Division of Public Safety has the right to challenge anyone conducting vending or promotional activities in any University outdoor area and to require them to obtain permission from the appropriate University office or leave the campus.
10. Those who conduct vending or promotional activities must comply with all University, City, Commonwealth and Federal Laws and policies.

(Source: Almanac, March 29, 1988 (<https://almanac.upenn.edu/archive/v34pdf/n27/032988.pdf>))