



Policy Title	Advertising Policy
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Responsible Office	Office of Strategic Communications and Marketing
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### 1. Policy Purpose Statement

This document contains Kennesaw State University (KSU) policy and process for the sale of advertising in and upon designated University property and vehicles.

### 2. Background

The primary purpose of the University's advertising sales program is to raise revenue for a broad range of engagements and opportunities across the institution. Advertising may also be used to promote events or programs hosted by the University or health and welfare campaigns unique to the University. The sale and display of advertisements are not intended to provide a general public forum for purposes of communication but rather to make use of property held in a proprietary capacity by the University in order to augment existing revenue streams. In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will generate as much revenue as practicable, while ensuring that the advertising is in line with the reputation and mission of the University.

### 3. Scope (Who is Affected)

The policy is intended to apply to all sold advertising displayed on KSU buildings, grounds, vehicles, or any other university property and applies to all KSU employees.

### 4. Exclusions or Exceptions

The policy does not apply to internal communications by the University, colleges, departments or student groups advertising programs, events or other topics of interest.

### 5. Definitions and Acronyms

**Advertising:** A form of communication used to persuade an audience to take some action with respect to product, ideas, or services.

**Commercial Speech:** Advertising, the sole purpose of which is to sell or rent real estate or personal property for profit or a fee or to sell services for profit or a fee. Historically, commercial speech has been subject to content regulation to protect consumers and prevent fraud, but it is protected to a limited degree under the First Amendment.

**Non-Commercial Speech:** Non-commercial speech receives the highest degree of First Amendment protection. It may only be regulated pursuant to content neutral restrictions, such as restrictions on the time, place, and manner of the speech, but not content-based restrictions.

**Public Forum:** A public forum can be a “traditional” public forum like streets, sidewalks and parks or a “designated”/“limited” public forum like public-university meeting rooms and municipal theaters. However, if public property is deemed instead to be a “nonpublic forum,” then courts apply only a low level of scrutiny to the government’s speech restrictions on that property, requiring merely that the government regulation be reasonable in light of the purpose of the forum and not discriminate against a particular viewpoint.

## 6. Policy

- a. Any KSU unit seeking to sell in or upon authorized KSU physical, electronic, digital, or print property shall first obtain the written authorization of the Vice President of their division in conjunction with the Vice President for External Affairs designee.
- b. All advertising displayed in or upon the University’s property and vehicles shall be advertising in the following categories:
  1. Commercial Advertising: Advertising the sole purpose of which is to sell or rent real estate, services, or personal property for profit or a fee.
  2. Education, community, and/or health and safety campaigns adopted and/or sponsored by the University and directed solely to the Kennesaw State University population. Such advertising will support the University’s overall goals and vision.

It does not include advertising that both offers to sell property or services or conveys information about political issues, religious, moral, or other public matters outside the scope of the institution. Further, it would not include advertisements that issue, express, or advocate for opinions or positions upon any of the foregoing.

It does not include advertising that competes with University services, which the University retains the right to refuse.

## 7. Associated Policies/Regulations

- a. Board of Regents Policy Manual, Section 6.10.2, which prohibits the advertising of tobacco products on USG properties (<https://www.usg.edu/policymanual/section6/C2663/>)
- b. Posting and Advertising Policies for KSU’s Registered Student Organizations (<https://studentlife.kennesaw.edu/postings.php>)

## 8. Procedures Associated with this Policy

- a. The University reserves the right to take reasonable steps to assure that advertising sold does not create a public forum but is used only for the aforementioned purposes. The following kinds of advertising therefore will not be displayed in or upon the University’s property or vehicles:

1. Advertising for products or services related to human reproduction or sexuality, including, but not limited to, hygiene related to reproductive organs or body parts, and counseling with regard to pregnancy, abortion, or other sexual matters.
  2. Advertising for products, services, or entertainment directed to sexual stimulation or other sexual references.
  3. Advertising that is obscene within the meaning of OCGA §16-12-80.
  4. Advertising for the sale or use of firearms or weapons.
  5. All advertisements for alcoholic beverages as far as bars or parties at which alcohol will be sold and/or served, shall comply with all State of Georgia (State), federal, and local laws regulations and University policies with respect to such advertising, including the display of any warning notices as to the effect of such product as may be required by applicable law, regulation, or trade agreements or standards.
  6. Tobacco advertising shall be prohibited as required by law.
  7. No advertising shall be permitted that in any way denigrates, disparages, or defames Kennesaw State University or its faculty, operation, officers, agents, employees, students, visitors, or financial or in-kind partners.
- b. Use of the University's name, logo, slogans, or other graphic representations is subject to advance approval by the University. The University does not endorse or imply endorsement of any product or service.
  - c. The University requires all advertising copy to be truthful. Advertising copy and illustrations should not be exaggerated, distorted, or deceptive. Medical products or treatments are to be presented (treated) in a restrained and inoffensive manner.
  - d. Testimonials must be authentic and advertisers using testimonials will be required to indemnify the University against any action brought in connection with them.
  - e. Advertising that promotes contests or giveaways must comply with all applicable laws and regulations.
  - f. No advertising in or upon the University's property or vehicles shall include language, pictures, or other graphic representations that are unsuitable for exposure to persons of young age or shall be derogatory to any person or group because of race, age, social class, culture, marital status, parental status, income, military status, national origin, ethnic background, religion, gender, or sexual orientation.
  - g. No advertising shall be displayed if the display thereof would violate any federal or State law or regulation, or ordinance of the county or municipality in which the facility is located.
  - h. No political advertising shall be displayed in the University's property or vehicles. For this purpose, political advertising is defined as any of the following:
    1. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any federal, State, or local government office. Advertising that promotes voting in national, state, or local elections but does not advocate for specific candidates may be accepted.
    2. Any advertising that supports or opposes any referendum conducted by the federal or State government, or by any local government, such as referenda constitutional amendments, bond issues, or local legislation.
    3. Advertising whose main message coincides with acceptable guidelines but contains political undertones.
    4. Advertisements promoting candidates for campus elections. Advertisements for voting in campus elections that do not advocate for specific candidates may be accepted. Campus elections include, but are not limited to, Student Government Association elections and homecoming court elections.
  - i. Advertising that may interfere with the University or any of its operations is prohibited.

All such advertising that falls or may fall into any of the categories defined above shall be referred to the Vice President for External Affairs, or designee, who shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered. Upon such request, the University's representative shall consult with the Vice President and Chief Legal Affairs Officer and the Vice President of External Affairs, who shall prepare a recommendation. The University President, or designee, on the basis of such recommendation, shall determine whether the proposed advertising will be accepted or rejected. The determination of the University President or his/her designee shall be final.

Advertising clients must agree to and sign the advertising request form and agree to the University's advertising policy. Advertising space is limited and will be sold on a first come/first serve basis.

#### **9. Forms Associated with this Policy**

There are no forms associated with this Policy.

#### **10. Violations**

The Vice President for External Affairs, or designee, shall determine the acceptability of all advertising. If the advertiser violates that approval, that same office shall determine if the violator will be permitted to purchase any future advertising. That same office will also assure that all advertising is commercial in nature unless done in support of Kennesaw State University's mission. Special review of all non-commercial advertising will be conducted to assure that a public forum is not created.

#### **11. Review Schedule**

The Office of Strategic Communications and Marketing with the Division of Legal Affairs will review the Advertising Policy annually.