

{draft date April 9, 2019}

## **Rule 4-003H Commercial Speech and Use on Web Sites and Web Pages**

**Effective date: July 1, 2019**

### **I. Purpose and Scope**

- A. The purpose of this rule is to outline limits and restrictions placed on commercial speech on both Institutional and Non-institutional Web Sites. The rule ensures that no unauthorized endorsements of commercial products or services are stated or implied, whether accidental or intentional.
- B. This rule supports section H, Commercial Use, of the World Wide Web Policy 4-003.

### **II. Definitions**

The definitions provided in Policy 4-003: World Wide Web Resources Policy and Policy 3-150 Auxiliary Enterprises Operation apply for purposes of this Rule, as well as the following:

- A. For purposes of this Rule, “Commercial Speech” does not include the following:
  - 1. Statements recognizing Donor support. If donor recognition includes additional information about the donor's products, services, facilities, or includes a hyperlink to the donor's Web page, that additional information may constitute Commercial Speech and be subject to this policy. Web Site Owners should contact the University Webmaster if clarification is needed regarding a particular link or page's status with regard to Commercial Speech.
  - 2. Links to products that are necessary in order to access/use content on a Web Page (e.g., a link to the PDF reader software download page does not constitute commercial speech).

3. Links from a University Web page to commercial sites if the sole purpose of the links is pedagogical (e.g., if an academic department's Web page contains links to commercial sites, the links do not constitute commercial speech when the links' purpose is to provide students with good and bad Web design examples).

### III. Rule

- A. Non-institutional Web Sites may not be used for commercial purposes or contain Commercial Speech.
  1. The Web Site Owner is solely responsible for the content of a Non-institutional Web Site. The views, opinions and conclusions expressed on such pages are those of the Web Site Owner and not necessarily those of the University of Utah; however, as specified in the University Information Resources Policy ([Policy 4-002](#)), the University reserves the right to remove from any University Web server any page that is found to be in violation of the law or university policies.
  2. University of Utah resources may not be used to create Web Sites or Web Pages primarily for personal business or personal commercial gain.
- B. Auxiliary Enterprises (identified in [Policy 3-150](#), [R550](#), and [R555](#)) and Web publications governed by the Publications Council or Student Broadcast Council (Policy 6-401) are authorized to use web properties for commercial use, transactions and speech related to the Organizational Unit's service mission, but must comply with related policies, rules and guidelines for appropriateness, security and privacy.
- C. Institutional Web Sites not associated with Organizational Units designated as an Auxiliary Enterprises are permitted to contain Commercial Speech only if:

1. the Web Site Owner or Publisher is authorized by Enterprise Web Advisory Council (EWAC) to have Commercial Speech on its Institutional Web Site, and
  2. the Commercial Speech directly relates to the educational or service mission of the Web Site Owner, the Publisher or the Organizational Unit.
- D. Prior to entering any contract to post Commercial Speech or a hyperlink to Commercial Speech on an Institutional Web page, an Organizational Unit must ensure the contract for such advertising:
1. receives approval from the President, the President's designee, or the University Publications Council; and
  2. is reviewed by the University Office of General Counsel and the University Accounting Contract and Grant Analyst for legal and financial issues; and
  3. is non-exclusive and is limited to no more than a one (1) year commitment, absent approval by the President or the President's designee.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

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#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

- A. Rules [Reserved]
- B. Procedures [Reserved]
- C. Guidelines [Reserved]
- D. Forms [Reserved]
- E. Related Resources [Reserved]

## V. References

- A. [Policy 3-150](#): Auxiliary Enterprises Operation
- B. [Policy 4-002](#) University Information Resources Policy
- C. [Policy 6-401](#) Publications Council or Student Broadcast Council
- D. [R550](#), Auxiliary Enterprises Operation and Accountability (Utah State Board of Regents Rule)
- E. [R555](#), Providing Facilities, Goods and Services in Competition with Private Enterprise (Utah State Board of Regents Rule)

## VI. Contacts

The designated contact officials for this Rule are

- A. Policy Owner (primary contact person for questions and advice): Deputy Chief Information Officer, 801-581-3100
- B. Policy Officer: Chief Information Officer, 801-581-3100

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies....”*  
 University Rule 1-001-III-B & E

## VII. History

Current version: Revision 1, effective date July 1, 2019

Approved by Academic Senate April 1, 2019

Approved by Board of Trustees April 9, 2019