SUBJECT: Event Ticket Sales and Accessible Seating
NUMBER: 5:14

1. Purpose

This policy is intended to establish appropriate ticket sales protocols for athletic and non-athletic University-sponsored or -hosted events, and address related ticket sales compliance with the Americans with Disabilities Act, its implementing regulations and amendments thereto.

2. Policy and Procedures

   a. This policy applies to all events conducted at or on behalf of the University. Each respective University department is responsible for administration of ticket sales and coordination of remote ticket sales locations along with web ticket sales for sponsored or hosted non-athletic University events, in accordance with this policy. The Athletics Department is responsible for administration and coordination of ticket sales for athletic events in accordance with this policy.

   b. Ticket Sales

      i. Tickets for University events will be made available as designated by the department(s) coordinating events and will be coordinated through the facility reservation process. Tickets must be prenumbered or identify seat location with the name, date, and time of the event to maintain accountability of the ticket inventory and enable reconciliation of ticket sales upon completion of the event. Ticket stock/inventory shall be counted and verified prior to beginning ticket sales. Tickets shall be made available in a manner appropriate to the size and nature of the event.

      ii. All events, ticket sales, and related financial management activities are subject to SDBOR and University policies and applicable state and federal law. All ticket purchases conducted by credit card transactions must be processed and, if stored, retained in compliance with Payment Card Industry Digital Security Standards (PCI-DSS) and University Policy 5:20.
iii. If the exact event ticket seat location is unavailable, the University reserves the right to replace it with similar quality seating for the same event. If comparable seating is unavailable, the purchaser will be contacted with alternatives. Lesser quality seating will only be charged at the appropriate lower price. Rows, sections, or aisle seating is not guaranteed for orders placed for general seating (not specific sections or rows) and is provided on a first come, first served basis.

iv. All sales of tickets are final. Refunds, credits or exchanges may be available in limited circumstances, subject to certain guidelines. Ticket refunds shall be made only after the tickets are returned. If ticket refunds are made in cash, the names of individuals receiving cash shall be listed with their signature indicating that they have received a cash refund. Refunded ticket information shall be documented and recorded.

v. The University reserves the right to set tiered pricing, event specific pricing, and specified discounts. Price structures and ticket discounts shall be established and described in writing, and approved by the department head of the department sponsoring the event. The department shall be responsible for retaining this writing pursuant to SDBOR record retention policy. Discounts may only be provided consistent with SDBOR and University policies and procedures, as well as applicable state and federal laws and applicable NCAA requirements and standards. A face value price shall be established for each event ticket prior to providing tickets at a discounted price. If tickets are provided to employees at a discount of greater than twenty percent (20%) of face value, the value of the tickets discounted above 20% is a taxable fringe benefit, and the department is responsible for reporting the name of the employee and the taxable discounted value of tickets received for the year to the Payroll Office in accordance with the applicable provisions of the Internal Revenue Code and amendments thereto which may modify this section.

vi. After the completion of the event, a reconciliation of the ticket sales shall be prepared. All tickets must be classified as sold, complimentary, or unsold. The number of tickets sold at each price, including discounts, must be reconciled to ticket revenue deposits. Proceeds of ticket sales, including those tickets purchased by other University departments or units, will be processed, deposited, and credited to unit accounts in accordance with SDBOR and University protocols on appropriate financial management and in accordance with SDBOR record retention policies. Deposits shall be made timely and in accordance with University Cash Receipts Policy 5:11. Deposit documentation shall include the number of tickets sold at each rate. The coordinating department shall be responsible for verifying the ticket sales and for producing and retaining this documentation.
vii. Attendance at events is subject to all University policies, including but not limited to, no smoking, no weapons, alcoholic beverage restrictions, food and beverage restrictions, and non-solicitation.

viii. The University is committed to working with patrons on a case-by-case basis to adequately accommodate individual needs.

c. Complimentary Tickets

i. When complimentary admission to an event is provided, the department sponsoring the event shall establish policies for the distribution of complimentary tickets and procedures to account for the complimentary tickets provided.

ii. Complimentary tickets may only be provided consistent with SDBOR and University policies and procedures, as well as applicable state and federal laws and applicable NCAA rules and requirements.

iii. All distributions of complimentary tickets must be documented and approved by the department head or designee. For accountability and reconciliation purposes, such documentation shall include the names of the recipients, their relationship to the University (employee, retired employee, prospective employee, student, prospective student, donor, alumni, sponsor), the name and University relationship of the requestor (if different than the recipient), the ticket numbers of each of the complimentary tickets, the face value of the tickets, the name and date of the ticketed event, the nature of the event, and the time and location of the event. If the complimentary ticket or tickets are provided to a University employee, the record shall denote, per subpart (2)(c)(iv) below, whether it is a taxable fringe benefit and, if not, under which exception the ticket was provided. If the complimentary ticket or tickets are provided to a sponsor pursuant to a sponsorship agreement, that fact shall be documented. Complimentary ticket approval must also be in writing and maintained by the department for accountability purposes.

iv. Complimentary tickets provided to employees will be a taxable fringe benefit to the employee unless they are provided under one of the following circumstances:

1. Attendance is required for a business purpose (Internal Revenue Code Section 132(d)). Employee is expected to be engaged during the event in meeting a business purpose for the University either by directly performing their job or by representing the University to outside constituents (Internal Revenue Code Section 162(a)(1)).

2. No additional cost services (Internal Revenue Code Section 132(b)). Event is not a sell-out and tickets were unsold after being offered for sale to the general public in the normal course of business. Employee does not receive the tickets prior to the day of the event.

3. Award of occasional tickets of minimal value (Internal Revenue Code Section 132(e)). Value of tickets provided to employee by employer on an occasional basis is considered a de minimis fringe benefit and is not
taxable provided that the cumulative value of the tickets received for current tax year is less than $100. Season tickets of any kind are not de minimis fringe benefits.

v. If complimentary tickets provided to employees are not eligible to be excluded from taxable fringe benefit, the department is responsible for reporting the name of the employee and value of tickets received for the year to the Payroll Office.

d. Third Party Joint Sales

i. When allowed by and in conformity with SDBOR and University policies and procedures, as well as state and federal law and NCAA rules, tickets to University events may be offered through an online platform as group sales for approved nonprofit organizations for their fundraising activities, upon the nonprofit organization and University entering into an appropriate agreement executed by an individual duly authorized.

ii. Nonprofit organization must provide W-9 form and any other required proof of non-profit status prior to entering into agreement with University.

iii. Nonprofit organization must agree to comply with all applicable Board of Regents and University policies and procedures as well as NCAA rules and regulations and state and federal laws and regulations.

iv. Nonprofit organization will be responsible for any donor disclosure for “quid pro quo” contributions received by the nonprofit organization as part of the ticket sales, in accordance with Internal Revenue Code requirements.

e. Sponsorship Agreements

i. The University and departments may accept policy-, rule-, and regulatory-compliant external sponsorship for events and other activities upon appropriate approval of a sponsorship agreement by the University and execution by a duly authorized representative thereof.

ii. The terms of an approved sponsorship agreement may include the University and departments providing tickets to the sponsor in return for donations, provided goods or services, or acknowledgement of the sponsor. No sponsorship agreement may permit the sponsor to sell products or services at any University facility unless the agreement has been reviewed and approved by the General Counsel. The department is responsible for processing a journal voucher to record appropriate revenue and expense based on the fair value of tickets exchanged for goods or services.

iii. The quantities and values of tickets to be provided per the sponsorship agreement shall be clearly identified in the terms of the sponsorship agreement.

iv. Ticket information for the tickets provided per the sponsorship agreement shall be documented and maintained by the department for accountability and reconciliation purposes, as detailed in subpart (2)(c)(iii) above.
f. Accessible Seating

i. Patrons should request accessible seating at the time of ticket purchase.

ii. Whenever possible, patrons with disabilities or accessibility needs will have the same choice of admission prices and quality of locations which are otherwise available to the general public purchasing tickets at that time. Individuals with disabilities will be afforded an equal opportunity to purchase tickets during the same times, at the same stages of ticket sales, through the same manner of distribution, and under the same terms and conditions as other patrons. Pricing for accessible seating and companion seats will be consistent with prices for other tickets in the same seating section for the same event or series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets) shall be offered for purchase, at that price level, in a nearby or similar accessible location.

iii. Accessible seating includes spaces specifically designed for wheelchairs which include features such as an accessible approach, location at grade, clear floor space and larger dimensions. Individuals with mobility disabilities who require accessible seating because of their disability or their use of service animal, or those third parties purchasing on the individuals’ behalf, are permitted to purchase wheelchair space tickets.

iv. For each wheelchair space ticket purchased by an individual with a disability or such person’s agent on their behalf, the University will make up to three (3) contiguous seats in the same row available for purchase, provided that at the time of sale, there are three (3) such seats available and the event is one for which patrons generally are allowed to purchase four (4) or more tickets. If such seats are unavailable and patrons generally are allowed to purchase at least four (4) tickets, such contiguous seat tickets will be made available to the accessible seating patron by making available for purchase the wheelchair space ticket with the next highest number of available contiguous seats and the tickets for the contiguous seats, and then make up the difference by offering tickets for sale for seats as close as possible to the wheelchair space that are available.

v. If ticket sales are limited to less than four (4) for all patrons at the event, the limitation may be applied to accessible seating including the wheelchair space. The procedure for offering contiguous seat tickets is otherwise required to be the same as provided in subpart (iv) above. If group sales are available, and if a group includes one or more individuals who need to use accessible seating, tickets should be made available for purchase to allow the group to sit together, and if they must be split, the University will divide the tickets so that individuals
who use wheelchairs are not isolated from the group.

vi. Although the University is not required to release accessible seating tickets to individuals who do not have a disability, tickets for accessible seating may be released for sale to other patrons when all non-accessible tickets (excluding club box seating or suites) have been sold. When series-of-events tickets are released, they will only be released for the current series and will be designated as accessible seating as soon as they are again available for purchase.

vii. Individuals with disabilities who hold tickets for accessible seating may transfer their tickets to third parties under the same terms and conditions as other patrons holding the same type of tickets.

viii. If an individual with a disability acquires a ticket or series of tickets through the secondary market, that individual may use the ticket or tickets under the same terms and conditions as other individuals who hold a ticket or tickets acquired in the secondary ticket market for the same event or series of events. If that ticket or series of tickets is to an inaccessible seat, the University shall allow the individual with a disability to exchange the ticket or series of tickets for a ticket or tickets to an accessible seat in a comparable location if the accessible seating is vacant at the time the individual presents the ticket or tickets to the University and makes this request.

ix. The University does not require proof of disability prior to ticket sale. However, the designated ticket office may inquire whether the individual has a mobility disability or a disability that requires use of features provided by accessible seating. The University may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

x. Upon inquiry, the designated ticket office will provide information of accessible seating available for purchase to individuals with disabilities or to their companions and third parties purchasing tickets on their behalf, identify the features of the available accessible seating to permit the individual to determine if the seating meets their needs, and provide materials that identify accessible seating and information if the materials are publicly available.

g. Accommodation Statement: Advertisements for non-instructional University events will include appropriate standardized symbols and a statement such as: Individuals with disabilities who would like to attend this event, please contact [insert event sponsor’s name and phone #] regarding any special accommodation needs. It is requested that individuals requiring auxiliary aids such as sign language interpreters and alternative format materials notify the event sponsor at least seven (7) working days in advance.
Every reasonable effort will be made to provide reasonable accommodations in an effective and timely manner.

3. Responsible Administrator

The Vice President for Finance and Business/CFO, successor, or designee is responsible for biannual and ad hoc review of this policy. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 01/20/2015; Revised; Approved by President on 10/15/2018.