



1111 Franklin Street
Oakland, California 94607-5200
Phone: (510) 987-9074
Fax: (510) 987-9086
<http://www.ucop.edu>

March 5, 2012

CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS

Dear Colleagues:

I have approved the enclosed amended *Policy on Distribution of Tickets and Passes to University Officials*.

In addition, I enclose an updated *Guide to Reporting of UC Ticket Distribution for 2012*, prepared by the Office of General Counsel, concerning the reporting of complimentary tickets distributed to sporting and entertainment events. The guide consists of advice and a flowchart to aid in reporting.

Implementation of this policy will require coordination across several different units across most campuses. I encourage you to designate a single office or individual to lead this effort and serve as a central office of record for the documentation produced, if a designation has not been made already, and to ensure that implementation of the policy is underway on your campus as soon as possible.

If you have any questions, General Counsel Charles Robinson would be pleased to speak with you.

With best wishes, I am,

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Mark G. Yudof".

Mark G. Yudof
President

Enclosures

cc: Members, President's Cabinet
Universitywide Policy Office
General Counsel Robinson

Policy On Distribution of Tickets and Passes to University Officials

The purpose of this policy is to describe the “public purposes” to be accomplished through the University’s distribution of tickets or passes to both University sponsored events and non-University events. It is the policy of the University that the distribution of tickets or passes by the University to its officials or to a third-party at the request of a University official must accomplish a “public purpose” of the University. Tickets or passes distributed in accordance with this policy are not considered gifts under the Political Reform Act.

Public purposes under this policy include, but are not limited to, the following:

- Conducting University business, including oversight of University events;
- Recognizing University employees for their work and promoting staff morale;
- Strengthening alumni and private support for the University;
- Promoting of intergovernmental relations and collaboration between the University and other public agencies;
- Promoting support for University athletics, arts, cultural, and entertainment offerings;
- Promoting attendance at University events in order to maximize potential University revenue from parking and concession sales;
- Promoting civic engagement;
- Promoting community outreach;
- Attracting or rewarding volunteer service;
- Otherwise promoting institutional advancement.

Once a ticket or pass has been distributed to a University official in accordance with this policy, the official may not transfer the ticket or pass to any other person, except to members of the official's immediate family or no more than one guest solely for their attendance at the event.

Authority: Government Code 83112, FPPC regulation 18944.1

This Policy is effective as of January 1, 2012.

GUIDE TO REPORTING OF UC TICKET DISTRIBUTION IN 2012

Prepared by the Office of the General Counsel

PRIVILEGED AND CONFIDENTIAL – for internal circulation

February 2, 2012

Summary of Advice

- This updated guidance advice applies to events that occur on or after January 1, 2012.
- UC athletic game tickets distributed to UC officials are *not gifts*.
- Tickets to non-student arts and entertainment performances (e.g. concerts & plays) are reportable on the Form 802.
- UC may report *names of departments and number of tickets provided* instead of individual employee names.
- Form 802's must be sent to the Fair Political Practices Commission ("FPPC") in Sacramento for posting on the FPPC website.
- Campuses should notify external UC ticket recipients that the University will report the fair market value ("FMV") of tickets on the Form 802.
- Questions about this advice may be directed to:
 - Governance Counsel Stella Ngai in the Office of the General Counsel at 510.987.0513 or stella.ngai@ucop.edu, or
 - Your Chief Campus Counsel, or
 - Your Campus Conflict of Interest Coordinator.

The purpose of this communication is to serve as guidance on how the University should report the distribution of tickets to events. In November 2011, the FPPC changed the rules pertaining to the University's distribution of tickets to sporting or other entertainment events. The new rules are effective January 1, 2012. Please use this Guide to report events that occur on after January 1, 2012 until further notice.

NOTE: [*NEW*] indicates a change from the Interim Guidance dated September 27, 2011 ("2011 Guidance") because of the new rules.

TICKETS TO UNIVERSITY OFFICIALS FOR UC ATHLETIC GAMES & AMATEUR EVENTS PERFORMED BY STUDENTS ARE NOT REPORTABLE

- [*NEW*] Tickets distributed to university officials for UC athletic games or other amateur events performed by students such as plays or concerts are NOT gifts.
 - *UC athletic game tickets distributed to any UC official are not gifts.*
 - UC officials who are Form 700 filers should not report UC game tickets on the Form 700.
 - Campuses should not report UC game tickets distributed to UC officials on the Form 802.
 - *Tickets to campus arts and entertainment performances by students which are distributed to UC officials are not gifts.*
 - UC officials who are Form 700 filers should not report these tickets on the Form 700.
 - Campuses should not report these tickets distributed to UC officials on the Form 802.
- For events OTHER THAN the above, there is still the **job function** distinction, and details are provided as follows:
 - The rules still treat individuals whose job duties require them to be at University events to perform a function of the University differently than those who attend an event primarily for their own personal entertainment.
 - Generally, campuses do not have to report ticket distribution to these individuals, which we call the Job Function Population, while campuses may have to report ticket distribution for certain events to those who do not fall into the Job Function Population.

UC ARTS & ENTERTAINMENT EVENTS PERFORMED BY NON-STUDENTS MAY BE REPORTABLE

- If a UC official has a job function purpose to be at a UC arts & entertainment event performed by non-students, the official's admission is not a gift and does not have to be reported on the Form 802 or Form 700.

- [***NEW***] If a UC official receives a ticket for the purpose of “employee morale, retention, or to reward public service”, then the official’s ticket is reportable on the Form 802.
 - For these tickets, report the names of campus departments or units and the number of tickets provided to the department or unit in lieu of the names of individual employees

REPORTING OF TICKET RECIPIENTS ON THE FORM 802

For the following recipients, report department names and number of tickets provided to departments but do not report the recipient’s names

- [***NEW***] University Officials who are given a ticket to a campus arts or entertainment event performed by non-students for “employee morale, retention, or to reward public service”
- [***NEW***] A guest of a University Official who uses an extra ticket distributed to the University Official for “employee morale, retention, or to reward public service”
- The guest (e.g., spouse) of a Job Function University Official, who uses the Job Function University Official’s extra ticket

Report the following recipients by name

- University officials who attend an external event to perform a ceremonial role on behalf of the University
- [***NEW***] Non-UC individuals who are Form 700 filers, e.g. elected officials such as a member of the state legislature, UNLESS they notify us that they will be reporting the ticket on their Form 700.

TICKET RECIPIENTS WHO SHOULD NOT BE REPORTED ON A FORM 802

- The Job Function Population
- [***NEW***] Non-UC individuals who are NOT Form 700 filers*
- University officials receiving tickets for UC athletic events or student performances.

* Except for guests of University Officials who receive employee morale tickets and guests of Job Function Officials as noted above.

[*NEW*] When do the new ticket rules take effect?

The new rules described in this 2012 Guidance are effective January 1, 2012.

You may have Form 802's to complete for events that occurred in 2011 and 2012. Your reporting method is dependent on the type of event and when it occurred.

1. Follow the approach set out in the ("2011 Guidance") for:
 - a. Arts and entertainment events performed by non-students that occurred in 2011.
 - b. Please note that Form 802's for events that occurred in 2011 may be kept on file as a public record. Do not send them to the FPPC.
2. Follow the approach set out in this 2012 Guidance for:
 - a. UC athletic events that occurred in 2011
 - b. Arts and entertainment events performed by students that occurred in 2011
 - c. All UC entertainment, amusement or recreational events that occur after January 1, 2012

What do we do with the completed Form 802's?

Please continue to maintain these forms as public records, releasable to members of the public upon request.

[*NEW*] For Form 802's reflecting events occurring on or after January 1, 2012, campuses should forward copies to the FPPC in Sacramento for posting on the FPPC's website. The law does not state a required time period for sending the forms to the FPPC. Please forward them when you are able.

Address of FPPC

California Fair Political Practices Commission
428 J Street, Suite 620, Sacramento, CA 95814

[*NEW*] What information should be given to ticket recipients?

Campuses should notify non-UC ticket recipients that the University will report ticket distribution to Form 700 filers, and give these recipients an opportunity to

opt out of such reporting if they intend to self-report the ticket on their own Form 700.

Sample language for the notification:

If you are a Form 700 filer pursuant to the Political Reform Act, please note that the University will report this ticket distribution in our Form 802 reporting to the Fair Political Practices Commission. Your name and the fair market value of \$xx, for each game ticket will be reported. Alternatively, if you prefer to report this ticket distribution on your Form 700 instead of having the University report as described above, please let us know within 30 days of the ticketed event. Thank you

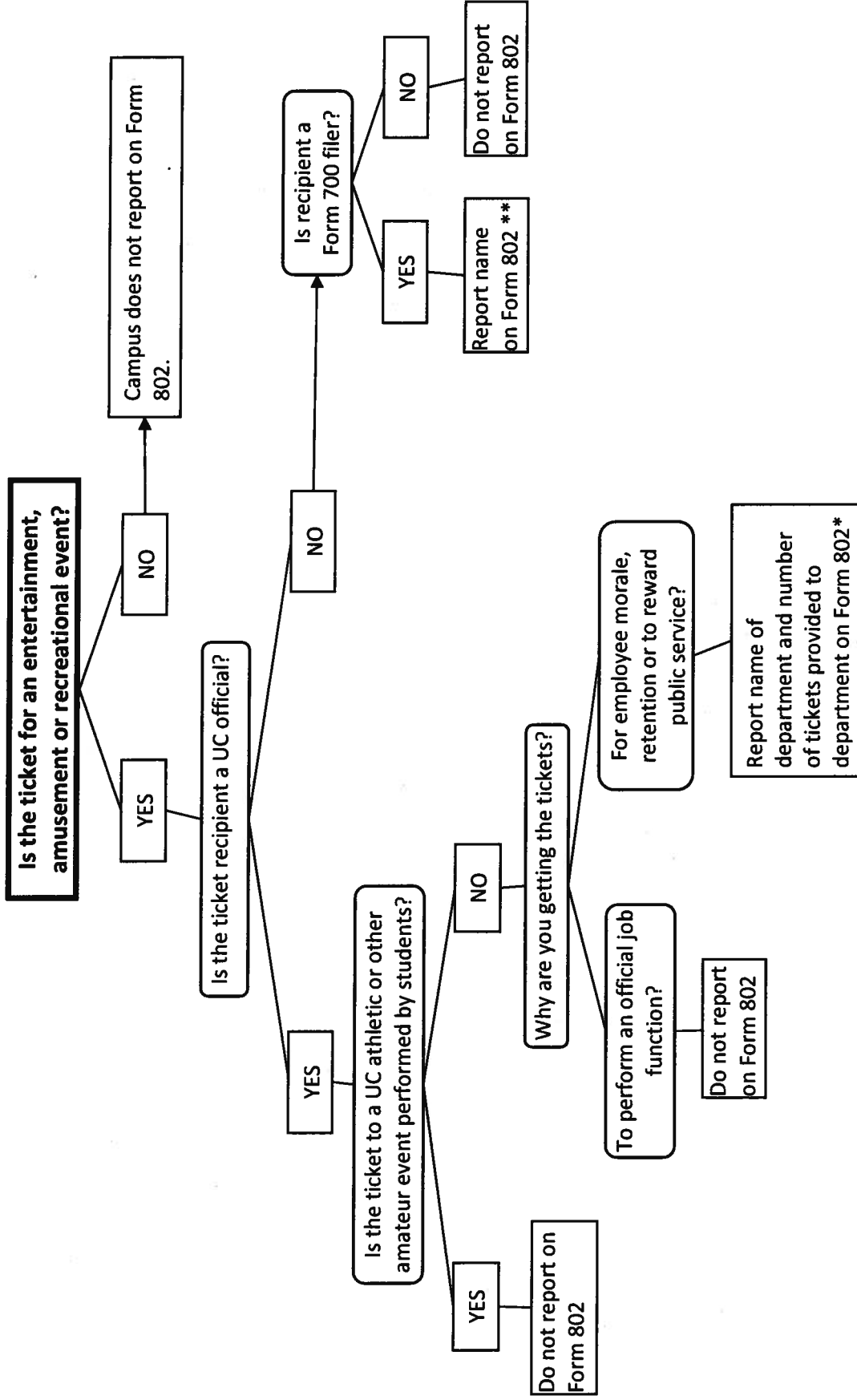
[*NEW*] Change regarding Ticket Transfer

Previously, University officials were prohibited from transferring tickets to any other person, except to members of the official's immediate family. Now, University officials may transfer tickets to members of the official's immediate family *or to one guest* solely for their personal use.

EXAMPLES

- A UCLA Royce Hall production staff member works at a Sonny Rollins performance at Royce Hall. His ticket or pass is not reported on a Form 802 because he is a member of the Job Function Population; his job duties require him to be at the performance.
- In order to maximize attendance at a Cal football game, the UC Berkeley Athletic Tickets Office sends a University-wide email inviting all employees to pick up two complimentary tickets to the game. Do not report any of these tickets on the Form 802, because college game tickets given to UC officials are not reportable.
- The Chancellor attends a campus football game with a legislator, a donor, and all of their respective spouses. The legislator's spouse, as the head of a state agency, is a Form 700 filer. The donor is not a Form 700 filer, but her spouse, a superior court judge, is a Form 700 filer. Who should be reported on the Form 802?
 - Report:
 - The legislator
 - The legislator's spouse
 - The donor's spouse

Form 802 Reporting for Tickets Distributed by UC



*Tickets used by guests of a UC official are included in department count as well
**unless the filer notifies us she will report the ticket on her Form 700
Note: "UC official" includes UC Form 700 filers and all employees