

HOW THEY MAKE LIFE HARDER THAN IT NEEDS TO BE



Performers, agents and schools are making the world of college entertainment more complicated than necessary. Here are some ideas to make the process easier.

When we initially had the idea to write this article, we went on a nonsensical rampage for about an hour. We talked and talked and talked about all the craziness we've seen over the years: all the seemingly harmless situations that became insomnia-inducing nightmares. All the little things that just got blown out of proportion.

After a good hour or two of venting we realized that things could be simpler. MUCH simpler. So why aren't they? Why does college entertainment have to be so complicated? More importantly, how can it become LESS complicated?

The short answer is "communication." But that would make for a pretty short article. So...

Understanding the problems comes from recognizing the concerns of both the schools and the performers. If both sides can look at a situation from the other's perspective, then perhaps we can reach a compromise that works for everyone.

We set out to contact agents, bands, activities directors, students and anyone else with an axe to grind. We got a lot (and we mean A LOT) of responses. Some were constructive, and some were not. We worked through it all and broke down the information into three categories: school-related complaints, artist-related complaints, and issues we all complain about.

To address all of these concerns would fill a novel. So we focus today on some of those things we can all agree to disagree on. No names are used. We only specify if the comment is from the artist side or the school side. After each issue is presented, we offer our thoughts on the matter. As a middle agency, we often have the ability to look at a situation from both sides and offer what we think is an acceptable "solution" to the problem. Obviously, in most instances there is no single answer. However, we feel that if both sides candidly look at the issues as presented by the other, the entire process can run more smoothly. And we hope that this process can be applied to any questions that might arise.

Since this is a guide for colleges, all of these issues are addressed with a school focus. And, for the sake of clarity, we've grouped comments made by acts, agents and managers as simply "ARTIST," and those from activities directors, students and administrative staff as "SCHOOL." Our thoughts are in the bolded paragraphs.

Brace yourself...

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THINGS WE CAN ALL AGREE TO DISAGREE ON (A PRIMER):

- Getting paperwork on time
- Amending this paperwork
- Dealing with insurance requirements
- Terms changing after the bid is accepted
- Neither side being able to reach the other
- Taking too long to commit to an act or offer
- Security concerns
- Dealing with so many mixed signals
- Having to cancel a show

Getting Paperwork on Time:

For most shows, the buck starts here.

SCHOOL: “It takes us forever to get signed contracts back from artists. And it takes us a few weeks to get checks ready for them. When their payment isn’t ready the night of the show, the acts are always upset. But there’s no other way we can do this. How can we avoid these headaches?”

Perseverance is the key – Along with plenty of advanced notice. Many school are now putting very explicit check writing requirements directly into their offers. If you need three weeks to process contracts, say so in your offer. If you need fully executed contracts back by two weeks prior to the show, say so. It spurs acts along, and also covers you in case something still takes too long in getting back to you. But remember...

ARTIST: “Schools want us to sign contracts in three days, but they can’t do it in three weeks. Plan better.”

Schools usually require more people to look at, review and sign contracts than acts do. However, this cannot be an excuse used to rationalize delays. Don’t expect artists to jump through hoops for you if you take a month and a half to process the paperwork on your end.

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Amending This Paperwork:

They want you to give them everything. You want to give them nothing.

ARTIST: “Yes, our riders are big. But we understand there is some give and take. That doesn’t give you the right to cross everything out.”

Remember that the artist is living at your school for the day. They understand that you cannot provide certain things, but they also want to be comfortable and taken care of. Both your school and the “Enormo-dome” get the same rider, so changes are commonplace. Just keep in mind that if you take issue with a request, review it before you make arbitrary changes. And remember to offer an explanation for everything you cross out in a rider.

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For bigger, production-related issues...

SCHOOL: "Our school doesn't have the means to accommodate some of these acts' excessive production and staging requirements. But we still feel like we can offer them an acceptable set-up to perform with."

Most acts will let you see a rider before you make an offer. If there are major concerns from the beginning, ask right away if it seems like something you can do. If you make an offer, put very plainly into it the restrictions you have in terms of stage size, dressing rooms, production budget, etc. Send the rider to some production companies to get quotes before you commit to anything by sending an offer. Some acts really do need a stage that size and lighting that complex. Only go forward with a bid if you are totally confident you can pull the show off.

Reciprocally...

ARTIST: "Schools have way too much paperwork. Sometimes I think they have paperwork just to complicate their lives. Even worse, most of it hasn't been reviewed in 30 years and is useless. The worst is state schools, though. I have acts that won't play state schools because of all the BS. We have to sign everything, do everything, but they won't lift a finger. Do you think that when the governor wants a big event the act has to jump through all these hoops? Never. Never, never, never. The staff just doesn't want to raise the issue because they're afraid to rock the boat."

The fact of the matter is, a lot of schools have a lot of paperwork. To help yourself, send your paperwork in with your offer, and explain everything in a cover letter. It also helps to review your school paperwork every few years. Often, terms that were relevant 20 years ago are not relevant now. So reviewing everything will only help you out in the long run.



Dealing with Insurance Requirements:

Since the nightclub fires in Rhode Island and Chicago, this has become more of a concern.

SCHOOL: "Our Risk Management department has suddenly become really pushy requiring acts to show certificates of insurance. We're getting a lot of resistance from the artists, but there's nothing we can do."

The first thing to figure out is exactly what you are requiring from the act. Do you just need to see that they are insured? Do you need to have your school named as additionally insured? What type of insurance do you require them to have? There are many different types of coverage out there, and it is imperative that you know exactly what you are asking for. Since many acts do not carry insurance, this will cost them money. Is your school prepared to raise an act's guarantee to cover this cost? You need to make sure everything is spelled out clearly in your offer to them – NOT after they have already accepted your bid.

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ARTIST: “The school is asking for a one day, \$5 million dollar policy naming them additionally insured. It’s excessive, and in our case actually exceeds the guarantee we are being paid for the day. There’s no way we can do the show.”

The industry standard for insurance at colleges is a \$1 million dollar general liability certificate. Depending on your room size and the genre of the act, this can run them a few hundred to a thousand dollars (you should contact an insurance broker for more specifics). A \$5 million dollar policy, on the other hand, can run nearly \$10,000. In some festival situations, schools are only requiring the headliner to supply the insurance – not the \$250 opening act. And certain policies allow for multiple acts to be named on the same certificate. In rare cases, a school has accepted an indemnification letter absolving them from any responsibility for an act’s actions. Ask every question you have to BEFORE you enter into an agreement with an artist.



Terms Changing After the Bid is Accepted:

Riders, ticket prices, show capacity, support acts, oh my!

ARTIST: “You better tell me everything weird about your school from day one – radius clauses, security issues, content, etc. Don’t change the terms after the deal is done. Your merch rate, venue size, support acts and ticket prices all affect our decision to do the show.”

This happens more frequently than it should. Before an offer goes in, you should estimate your expenses as well as you can to accurately reflect ticket prices. You should know exactly how many tickets you are able to sell, and if the show will be open to the public or closed to your campus. If you are unsure of how much you will need to sell tickets at, overestimate in your offer. Very few artists have a problem with you lowering ticket prices.

The issue here is surprises. If you need to raise ticket prices to match rising expenses, you will need to review the changes with management. So make sure you can provide proof that the increase is needed. If your building has a policy on merchandising, say it on the offer. A typical rate is an 80/20 split with the artist keeping 100% of any CD sales.

If you’re turning your show into a festival, give a lot of advanced warning. Artists like to have some say over who they are playing with, unless the offer given to them explains it as a festival billing with the school choosing support. But a two-act show becoming a five-act show can affect the whole day – load in, sound check, travel, etc. So it is imperative that they know about changes in writing if they come up. And then, of course, there is...

SCHOOL: “I just got a faxed rider that is supposed to ‘supercede’ the signed contract I got back a week ago. The problem is, the tech and catering have changed pretty substantially, and we have already ordered everything and invoiced the check requests. If we revise this now, no one will get paid the day of the show.”

The best bet in situations like these is to have a constant dialogue going with the tour manager and production manager. When amending the contracts, note on the rider that all

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requirements are “to be advanced.” Then have your first conversations with the touring personnel before finalizing any production or hospitality orders. If necessary, have the act’s production folk talk to your sound, lighting and staging people to ensure that everything they need will be there. In some cases, these talks may even anticipate new riders from management. And if it’s too late to change things, then it is too late. But sometimes...



Neither Side Being Able to Reach the Other:

We are but two ships, passing in the night...

SCHOOL: “Why do artists wait until the week of the show in order to get back to me about advancing it? There are production and logistical issues that I need to know 3 or 4 weeks before then in order to have everything the way that they need it.”

There are often two reasons for this. One is that bands on tour are most concerned with the dates they are just about to play. If they have a month’s worth of shows before yours, they feel they have more pressing matters at hand. In the club world (which is the only world some of these people know), things work on a much shorter schedule.

The second reason is that – at the beginning of a tour – some acts still have to hire tour and production managers! There is a lot of unseen internal work required to put a band on the road, and (again) these are often viewed as first priorities.

Anything you will need to know well in advance should be spelled out in your offer or addressed to the artist’s representation as soon as you know about it. You may be able to find out what you need to know well enough to get your production and catering in order.

If you still cannot find out the specifics you need, it may be time to write a letter detailing what you will be providing for the day. Many clubs have built in sound and lights, so the situation for them is what it is. If you need to get things secured on a deadline, you may have to do the same. Just be very up front about it, and make sure everything is in writing: “Production will be this. Catering will be this. Etc.”

ARTIST: “So I can only talk to one person at the school about our show. And they’re at a conference. Or on vacation. Or in a meeting. It never stops! And I never get a call back. Why be the production contact if you’re unreachable?”

Sometimes, delegation is the key. If you’re the answer person, it’s okay to have a few serfs under you dealing with the overflow! Major issues with shows can appear up at any time. So if you know you’re going to be busy or unreachable, make sure that someone in the office is up to speed on what’s going on. And that he/she’s someone you can trust to either make a quick decision or to be able to get a hold of you at alternate numbers, etc immediately. Waiting on some problems often makes them worse. So be prepared.



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Taking Too Long to Commit to an Act or Offer:

Unlike wine, the best things in programming do not come to those who wait.

ARTIST: "Committees drive me crazy. 'Well, we only meet on Tuesdays, so I can't tell you anything until next Wednesday.' Guess what? Don't call me – my acts aren't sitting around waiting for the 10 of you to get together. Ever hear of the phone? Internet?"

This is becoming a bigger and bigger problem, and it doesn't need to be. Too many schools lose opportunities due to their communication problems. Call an emergency meeting, send e-mails, conference call, etc., etc., etc. Only meeting once a week takes artists away from you. There is absolutely no valid reason for being unable to communicate with each other more often.

SCHOOL: "Why do artists take so long to respond to our offers? Why do they ignore our deadlines? I've waiting five weeks to get answers before, only to have the date be a pass. And all while missing the opportunity to book something that would have been just as successful and have actually happened."

For better or for worse, college events are not always a priority for artists. College shows do not break artists – public plays in major markets do. Therefore, finding the "best" public (i.e. club or venue) play is more important to managers. However, this is not an excuse for ignoring deadlines or stringing a school along. If you have a deadline, stick to it. Often agents think schools will wait around as long as necessary to get an answer. If you need to move on, then move on. Spend the time between submitting an offer and its deadline by looking for good backup plans if the need arises.



Security Concerns:

We must deal with this barrier between us.

SCHOOL: "We have an act coming to campus whose public persona makes our campus police and administration really nervous about having them. How can we ease their concerns?"

The easiest initial answer is to get other college references. Many artists that have a "dangerous" persona are actually very professional touring acts – playing a role no differently than someone in a theater performance would. If they have played other college shows without a hitch, have those concerned ask those schools about their experience. Most people are more than happy to help each other out.

If the act has no college history (and even a spotty club one), you just need to make a judgment call: Is it worth giving a new artist a chance? Or are there too many "if's?" Not everyone wants to be the test case. And sometimes it really is safer to err on the side of caution and go with something you know is tried and true. Do you have a good relationship already with the act's representation? Have you handled difficult situations at shows before and come out okay? These are all questions to ask before moving forward. You

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may want the hottest new act out there, but the higher-ups may not want to risk your school's reputation on it.

ARTIST: "School security is always a disaster. They have too many campus police with no idea how a concert crowd is supposed to look. And all of the folks behind the barricade are students! No one knows what's going on, and they are trying to randomly enforce some 'no moshing, no crowd surfing' policy."

Liability and public safety are obviously paramount on everyone's mind. But if you have an act coming to campus that will inspire an energetic crowd, you need to have all of risk management's concerns up front – and a battle plan to deal with any worst case scenario that may arise. A mix of professional and student security is highly recommended. Students can have a difficult time dealing with their peers, and this can take some of the heat off of them.

We recommend a warning system for handling crowd surfing and moshing. Give the offender a difficult to wash off mark on their hand, make sure they are okay, and tell them that if it happens again they will have to leave. If you have these policies in place, make sure the signs and tickets reflect them.

Not everyone that crowd surfs means to. And the safest way for someone in this position to get out of it is to be safely brought over the barricade by security. If people are afraid they will get thrown out for a first offense, they may try just falling into the crowd, which is much more dangerous. Also, kicking people out after only one offense guarantees a fight every time.



Dealing with So Many Mixed Signals:

Or, why double coupons don't work in the entertainment industry.

SCHOOL: "Why do I get so much mixed info on availability and pricing? Every 5 minutes I get a new e-mail, fax or call with information that is different than the last e-mail, fax or call. Not only is it frustrating, but it is confusing as hell."

ARTIST: "I hate getting calls from seven middle agents about the same school. What do you think you are going to accomplish? I'm either going to just pass or probably ask for more money. It's stupid, really. I make the decisions and they act off the info I give them. Find who you like and stick with them."

At its core, booking an act seems so easy. You have an act you want to book, and the act needs a place to perform. Why isn't there harmony? Mostly because there's so much extra STUFF out there getting in the way.

Information on an act is constantly changing. What was accurate last week may no longer matter now that the artist has some newfound exposure. And, like in every business, everyone is out to make money. So how do you know who to listen to? Where to go?

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Unfortunately, only experience can really guide you. So surround yourself with as many experienced people as you can. NACA and other groups exist for these networking reasons.

There are two ways to book an act: directly with an artist's representation, or through some type of "middle" agent (a consultant you pay to help you secure acts and produce the show). This is your first major decision. For some, tracking down artists is a full time job. For others that are looking for something extremely specific, they know just where to go. The values of each are for another article.

If you have the resources and are going direct, make sure you are not being over-quoted. If you are using a middle agent, do your homework, find one you like and stick with them for the duration of that show's planning. Again, use your references at other schools. Be informed. Go with someone people seem to trust.

What does not work is calling many different people about the same act for the same show. This will guarantee confusion on every front, and almost certainly hinder your ability to get what you want. There is no "shopping around" for a better deal. Once someone figures out you are doing this, you will become vulnerable to he/she just telling you what you want to hear – only to bait and switch you into something else. And you may also annoy the act's representative agent enough to no longer consider you for the date.



Having to Cancel a Show:

And on its tombstone, it read: Dammit!

None of the quotes we got for this were re-printable, on either side! While (in the scheme of things) cancellations are rare, they feel like they happen much more often than they should. In nearly every case, the side being canceled on feels slighted and angry. For everyone, reputation is at stake. In every case, it should only ever be the LAST POSSIBLE resort.

As a school, you are only as attractive as your past performances. It takes a while to build a nice concert program. Artists talk all the time, and word spreads quickly if a certain college is a great place to play or a definite to avoid. The key here is to not go into a show unless you are sure you can handle it. You must plan for the worst-case scenarios, and over-budget all of your expenses. Only put in an offer for an act if you can deal with these possibilities. Realize that if you cancel for any reason other than a definite breach of contract by the act, you will chance legal action and permanent damage to your reputation. If the attitude is too laid back about whether or not the show happens, don't bother booking it.

Reciprocally, an act may cancel on you with very short notice. Movie offers come in, record labels demand certain events and sometimes people just get sick. Depending on the circumstances surrounding the cancellation, shows can get rescheduled with minimal damage (though plenty of hassle). Have a plan ready for ticket refunds, buybacks, etc.

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But if you really get it stuck to you, the action you take is up to how much time and energy you want to invest. Some schools are able to recoup advertising and (in very, very last minute situations) production costs. Realize that it will be an uphill battle, but you and your colleagues must agree on how far you are willing to take it. Furthermore, if you waver in your course, you will lose. You must be prepared to follow through on everything you demand.



In Closing:

You don't have to go home, but you can't stay here...

We realize that this article is set up to reflect upon some of the gripes everyone encounters in the course of producing a show. But the point here is not to stress the differences between schools and artists; it is to show that – at the end of the day – we're all in this for the same reasons. We want a fun, successful event where everyone walks away happy.

While everyone is trying to protect his/her best interests, it's important to remember that we all have to accept compromise. And the easiest way to empathize and accommodate each other's plights is by talking. Talking, talking, talking. It may not be that easy to do. And it may not be fun. But it is essential. The key is to avoid surprises, personalize the event, and have the type of successful and professional show we all know we're capable of.