

**5<sup>th</sup> Annual Higher Education Taxation Institute**  
**June 4-6, 2017 • AT&T Conference Center • Austin, TX**

**Sunday Afternoon, June 4, 2017**

**Presiding Officer:**

**Kyle R. ZumBerge**, The University of Texas System Office of General Counsel - Austin, TX

	<p><b>Don't miss the Essentials Program</b></p> <p>NEW THIS YEAR – come early on Sunday and attend the <a href="#">Higher Education Taxation Essentials</a> program starting at noon – a great starter for those new to the higher education tax field and a perfect refresher for those who aren't.</p>
3:45 pm	<b>Registration Opens</b>
4:20 pm	<b>Welcoming Remarks</b>
4:30 pm 1.00 hr	<p><b>Challenging Charitable Contributions</b></p> <p>Engage in a lively panel discussion on the issues, pitfalls, and nuances involved with a variety of unusual charitable contributions. Explore gift receipting, fundraising events, donor “strings,” gift acceptance policies, self-dealing donations and tips, pointers, and war stories involving unconventional gifts.</p> <p>Joseph R. Irvine, The Ohio State University - Columbus, OH Sean P. Scally, Vanderbilt University and Medical Center - Nashville, TN Mike Sorrells, Tate &amp; Tryon - Washington, DC</p>
5:30 pm 1.00 hr	<p><b>New Safe Harbors Regarding Tax-Exempt Bonds that may Reduce Tax Risks and Affect Relations with Management Firms</b></p> <p>Listen to a bond counsel and a tax professional discuss the recently released safe harbors regarding management contracts and how they relate to PBU (computing private business use) for tax-exempt bonds. Recent IRS guidance offers new safe harbors that may affect negotiations with vendors as well as benefit your current strategy in managing tax risks. Analyze a case study that illustrates the flexibility of these new safe harbors and possible changes to the contracts. Gain a better sense of how to manage tax risks with respect to PBU and how to improve relations with management firms.</p> <p>Brent Feller, Chapman and Cutler LLP - Chicago, IL Edward J. Jennings, University of Michigan - Ann Arbor, MI</p>
6:30 pm	<b>Adjourn to Welcome Reception</b>

**Monday Morning, June 5, 2017**

**Presiding Officer:**

**Mary M. Bachinger**, National Association of College and University Business Officers (NACUBO) - Washington, DC

7:45 am	<b>Conference Room Opens</b>  <i>Includes continental breakfast.</i>
8:30 am 1.00 hr	<b>Recent Developments in College and University Tax Law</b>  Examine recent tax law developments that affect institutions of higher education, including updates on Congressional activity, IRS rulings and other guidance, and judicial decisions.  Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr. - Alexandria, VA Edward J. Jennings, University of Michigan - Ann Arbor, MI
9:30 am 1.00 hr	<b>Country-by-Country Reporting</b>  Review the Country-by-Country rule and application in the university setting.  Robert W. Friz, PwC - Philadelphia, PA Neelu Mehrotra, Ernst & Young LLP - Providence, RI Julia Shanahan, Columbia University - New York, NY
10:30 am	<b>BREAK</b>
10:45 am 1.25 hrs	<b>Nonresident Alien Tax Issues—Beyond the Basics</b>  After an institution has identified its nonresident alien payees, the hard part begins: how to withhold tax from and report the payments. But wait, there's more—when and why can an institution NOT withhold tax? Discuss the additional concerns and potential liabilities that income tax treaties provide. Drill down into the issues of facilitating an income tax treaty at the time of payment—the “reading, applying, and reporting” of an income tax treaty exemption.  Donna Kepley, Arctic International LLC - Austin, TX
12:00 pm	<b>BREAK TO PICK UP LUNCH</b>  <i>Included in registration.</i>

## Monday Afternoon, June 5, 2017

### Presiding Officer:

**Sean P. Scally**, Vanderbilt University and Medical Center - Nashville, TN

### LUNCHEON PRESENTATION

	<b>Thank You to Our Luncheon Sponsor</b>  Crowe Horwath LLP
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12:20 pm 1.00 hr	<p><b>Legislative and Policy Outlook for Colleges and Universities</b></p> <p>Take a look from inside the beltway at how Congress is examining exempt organizations (including higher education institutions) and focusing on endowments, investment issues, UBIT, donor advised funds, and the impact corporate integration and other tax reform proposals will have on exempt organizations.</p> <p>Richard A. Grafmeyer, Capitol Tax Partners - Washington, DC</p>
1:20 pm	<b>BREAK</b>
1:35 pm 1.00 hr	<p><b>Taxation of Faculty Inventor Payments</b></p> <p>Complex and unexpected tax considerations can arise when a university shares revenue from licensing technology with faculty or staff inventors. Discuss tax treatment of these payments for the university and inventor, including possible capital gain treatment for inventors, potentially unexpected application of the installment sale rules, implications of declining or redirecting payments, and payments to non-US residents.</p> <p>Brittany Cvetanovich, Ropes &amp; Gray - Chicago, IL Benjamin A. Davidson, The University of North Carolina at Chapel Hill - Chapel Hill, NC</p>
2:35 pm 1.00 hr	<p><b>Student Organizations</b></p> <p>Review different student organizations and other associated entity tax issues. Discuss whether the organization is part of the university or a separate entity, tax-exempt status, use of EINs, entering into contracts, and political activities.</p> <p>Kelly Farmer, University of Minnesota - Minneapolis, MN Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr. - Alexandria, VA Paul Van Dieren, University of Notre Dame - Notre Dame, IN</p>
3:35 pm	<b>BREAK</b>
3:45 pm 1.00 hr	<p><b>Property Tax Exemption: Challenging Times for Your University</b></p> <p>Cash-strapped local governments and frustrated taxpayers are looking to universities that enjoy broad exemptions from property tax as an untapped source for tax revenues, payments in lieu of taxes (PILOTs), and voluntary contributions. At least one result is increased attention—and the concomitant challenges—to the property tax exemption enjoyed by your university or college. Explore these issues from the perspectives of a public and private university, with particular focus on the recent experiences of The University of Texas System and Princeton University.</p> <p>Robert C. Berness, Princeton - Princeton, NJ Kyle R. ZumBerge, The University of Texas System Office of General Counsel - Austin, TX</p>
4:45 pm 1.00 hr	<p><b>Fringe Benefit Issues for Colleges and Universities</b></p> <p>Discuss fringe benefit issues raised by the IRS in payroll tax audits, and address common compliance risk and reporting areas pertinent to colleges and universities.</p> <p>Toby W. Ruda, KPMG LLP - Charlotte, NC Amy Goodreau Williams, Duke University - Durham, NC Joel Levenson, University of Central Florida - Orlando, FL</p>
5:45 pm	<b>ADJOURN</b>

## Tuesday Morning, June 6, 2017

### Presiding Officer:

**Benjamin A. Davidson**, The University of North Carolina at Chapel Hill - Chapel Hill, NC

7:45 am	<b>Conference Room Opens</b>  <i>Includes continental breakfast.</i>
8:30 am 1.00 hr	<b>Nexus Rules—State and Local Taxation Issues and Considerations</b>  Hear a practical discussion on identifying and managing an institution’s state nexus footprint. Explore issues such as the impact of remote/telecommuting employees, alternative investments, and other activities which may create nexus. Gain a holistic perspective on how these activities impact not only income tax, but also employment tax, sales/use tax, unclaimed property, and other tax filings you may not have considered.  Sara Arvold, Crowe Horwath LLP - Chicago, IL Michael Quesada, University of San Diego - San Diego, CA Kevin Spiegel, Crowe Horwath LLP - Chicago, IL
9:30 am 1.00 hr	<b>Deferred Compensation and Employment Agreements</b>  Explore various types of non-qualified deferred compensation arrangements available to employees of tax-exempt employers and the tax rules that apply to them, including an illustration of how recently issued rules apply to compensation arrangements at private and public institutions. Discuss items commonly found in employment agreements that may result in deferred compensation.  Jeffrey Martin, Grant Thornton LLP - Washington, DC Tara Schulstad Sciscoe, Ice Miller LLP - Indianapolis, IN
10:30 am	<b>BREAK</b>
10:45 am 1.00 hr	<b>Difficult Compensation Challenges</b>  Hear a discussion on difficult compensation challenges that arise in college and university settings. In addition to a brief summary of applicable law and current developments, gain a practical perspective on compensation and “intermediate sanctions” issues that often arise in five discrete areas of college and university activity: the technology transfer function, dealings with trustees, key employees in the investment office, compensation of high profile coaches and the athletic director, and the president’s compensation package.  Laura Kalick, BDO USA, LLP - Washington, DC A. L. (Lorry) Spitzer, Ropes & Gray LLP - Boston, MA Robert A. Wexler, Adler & Colvin - San Francisco, CA

11:45 am  
1.00 hr

### **Directing a University Tax Department**

Hear from seasoned campus leaders about a variety of models for operating a university tax department. Listen as panelists discuss their departments' scope of responsibility, staffing, allocation of time, outsourcing, partnership with in-house counsel, best practices, and more.

Moderator:

Benjamin A. Davidson, The University of North Carolina at Chapel Hill - Chapel Hill, NC

Panelists:

Julia J. Buick, Johns Hopkins University - Baltimore, MD

Bob Lammey, Ernst & Young LLP - Boston, MA

Joel Levenson, University of Central Florida - Orlando, FL

12:45 pm

### **ADJOURN INSTITUTE**