

**10<sup>th</sup> Annual Higher Education Taxation Institute**  
**June 20-21, 2022 • Sheraton Austin Hotel at the Capitol • Austin, TX**  
**June 20-21, 2022 • Live Webcast**

**Monday Morning, June 20, 2022**

**Presiding Officer:**

**Joseph R. Irvine**, The Ohio State University - Columbus, OH


7:30 am In Austin Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:20 am	<p><b>Welcoming Remarks</b></p>
8:30 am 1.25 hrs	<p><b>Recent Developments in College and University Tax Law</b></p> <p>Review recent tax law developments that affect the higher education community, such as Congressional legislation, IRS enforcement measures and pronouncements as well as judicial decisions, and will discuss their impact on prevalent tax issues, including unrelated business taxable income, compensation and fringe benefits, international activities, charitable contributions, endowments, and reporting requirements.</p> <p>Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr. - Alexandria, VA  Edward J. Jennings, University of Michigan - Ann Arbor, MI</p>
9:45 am 0.50 hr	<p><b>Schedule B and Beyond: Donor Privacy and the Power of the State</b></p> <p>The Supreme Court’s decision in <i>Americans for Prosperity v. Bonta</i> is likely to have far reaching consequences. Not only does it call into question the ability of states to compel nonprofits to disclose their donors, it may well cause other nonprofit information reporting to fall outside the powers of the state. The decision builds on and expands the freedom of association, which is a particularly salient right for nonprofit organizations. Will this decision mark the beginning of a new era of pluralism in constitutional jurisprudence? Come find out.</p> <p>Alexander L. Reid, BakerHostetler - Washington, DC</p>
10:15 am	<p><b>15-Minute Break</b></p>
10:30 am 1.00 hr	<p><b>Identifying UBIT on Your Campus</b></p> <p>Discuss practical insights into how different universities investigate and discover UBI on their campuses, whether large or small, state or private. Strategies like education, surveys, and building relationships will be explored and resources will be provided to help you get started or improve the process in place at your campus. Discuss ways to review revenue-generating contracts and activities for UBI in addition to sharing example analyses.</p> <p>Andrew J. Gray, Crowe LLP - Dallas, TX  Brian Thomason, Chapman University - Orange, CA  Katie Wilkerson, Texas Tech University - Lubbock, TX</p>

<p>11:30 am 1.00 hr</p>	<p><b>Qualified Sponsorship or Advertising: You Make the Call</b></p> <p>Hear the requirements of the qualified sponsorship exception to UBI. After a discussion of the rules and the requirements for satisfying them, review various examples of messages that do and do not qualify for the exclusion.</p> <p>Joseph R. Irvine, The Ohio State University - Columbus, OH Kyle R. ZumBerge, The University of Texas Accounting and Financial Management - Austin, TX</p>
<p>12:30 pm In Austin Only</p>	<p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>

**Monday Afternoon, June 20, 2022**

**Presiding Officer:**  
**Alexandra O. Mitchell**, RSM US LLP - Washington, DC

**LUNCHEON PRESENTATION**

	<p><b>Thank You to Our Luncheon Sponsor</b></p> <p>Crowe LLP</p> 
<p>1:00 pm 1.00 hr</p>	<p><b>Recent Legislative and Policy Developments</b></p> <p>Understanding the rationale of congressional policymakers, regarding the decisions they are or will be making, may help organizations in explaining potential tax legislative or regulatory changes to their communities and employees and assist with compliance and communication. This presentation provides unique access and background on congressional and administrative activities in this crazy post-pandemic and war-torn world.</p> <p>Richard A. Grafmeyer, Capitol Tax Partners - Washington, DC</p>
<p>2:00 pm</p>	<p><b>15-Minute Break</b></p>
<p>2:15 pm 1.25 hrs</p>	<p><b>UBIT: Walk Through Your Return</b></p> <p>With complex changes resulting from the TCJA, the complex unrelated business income tax rules have translated to a more complicated corporate tax filing for nonprofits. Explore the new Form 990-T and its supporting schedules to connect the filing to the tax guidance. Analyze the Form 990-T and how common unrelated business income tax revenue streams are reported on the Form. Discuss practical implications of allocating costs across UBI silos. Walk through NOL rules and tracking for multiple silos. Hear best practices for tracking and communicating silos, especially when an organization has alternative investments.</p> <p>Christina Chase, UCLA Foundation - Los Angeles, CA Lauren Haverlock, Moss Adams - Los Angeles, CA</p>

3:30 pm  
1.00 hr

### **Tax Issues Associated with Cryptocurrency and NFTs**

Cryptocurrencies and their digital cousin, Nonfungible Tokens (NFTs), are hot topics! This session provides a robust examination of what they are and how they work, along with their unique tax challenges, for colleges and universities. Topics include the use of these virtual assets as charitable contributions or fundraising tools, the acceptance of cryptocurrency as a form of payment for tuition, fees, sponsored research or other academic support, and considerations of whether to hold or invest in such virtual assets.

Moderator:

Sean P. Scally, Vanderbilt University - Nashville, TN

Panelists:

John Cardone, RSM US LLP - Washington, DC

Brittany Cvetanovich, Ropes & Gray - Boston, MA

Jodi R. Kessler, Massachusetts Institute of Technology - Cambridge, MA

4:30 pm

### **10-Minute Break**

4:40 pm  
1.00 hr

### **Tax-Exempt Bonds, Post Issuance Compliance, and Management Contracts**

This session will address post-issuance compliance requirements relating to tax-exempt bonds and how to best establish programs, policies, and procedures to avoid tax complications for debt-financed facilities. With a focus on management contracts, including why colleges and universities enter into them; the rules and safe harbors that govern management contracts; how management contracts are to be taken into account in private business use calculations; and what an issuer can do to manage any private business use that might arise from a “nonqualified” management contract, the session will provide the audience with a better understanding of private business use, management contracts, and how to appropriately discuss and address those issues on their campus.

Alan Bond, BLX Group - New York, NY

Edward J. Jennings, University of Michigan - Ann Arbor, MI

Barbara Jane League, Orrick - Houston, TX

Kyle Richard, University of Washington - Seattle, WA

5:40 pm  
In Austin Only

### **Adjourn to Welcome to Texas Reception (5:40 p.m. - 6:40 p.m.)**

Join us for drinks and hors d'oeuvres with program faculty and attendees.

### **Thank You to Our Reception Sponsor**

**Kelly Education**

The logo for Kelly Education, featuring the word "Kelly" in a green, sans-serif font and "Education" in a black, sans-serif font, both in a bold weight.

## **Tuesday Morning, June 21, 2022**

### **Presiding Officer:**

**Kyle R. ZumBerge**, The University of Texas Accounting and Financial Management - Austin, TX

7:30 am  
In Austin Only

### **Conference Room Opens**

Includes continental breakfast.

<p>8:00 am 1.00 hr</p>	<p><b>4960 A Closer Look</b></p> <p>A brief summary of the basic mechanics of Section 4960 followed by an examination of complexities of administering compliance within an institution, commonly overlooked benefits that must be taken into account when evaluating compensation and remuneration, and discussion of certain challenges when determining an institution’s pool of “covered employees.”</p> <p>Glenn Christofides, Rutgers University - Piscataway, NJ Ruth M. Madrigal, KPMG LLP - Washington, DC</p>
<p>9:00 am 1.00 hr</p>	<p><b>Hybrid or Remote Workplace Issues that Touch Tax</b></p> <p>As institutions learn lessons from the pandemic on remote working arrangements, often times tax consequences aren’t considered. Hear learning lessons and current discussion on issues a tax manager should consider surrounding a remote workforce.</p> <p>Jodi R. Kessler, Massachusetts Institute of Technology - Cambridge, MA Joel Levenson, University of Central Florida - Orlando, FL</p>
<p>10:00 am</p>	<p><b>15-Minute Break</b></p>
<p>10:15 am 1.00 hr</p>	<p><b>Nonresident Alien Tax Updates</b></p> <p>Update on recent issues related to payments to foreign nationals and foreign entities, including forms, sourcing, and income tax treaty issues. Gain insight on: What questions to ask; Which forms to collect; How much tax to withhold; What to report; Which information to maintain; and What are your institution’s responsibilities.</p> <p>Donna Kepley, Arctic International LLC - Austin, TX</p>
<p>11:15 am 0.75 hr</p>	<p><b>Navigating the Challenges of the IRS</b></p> <p>The past year has continued to present challenges for the IRS, including with resources and administering tax legislative and regulatory provisions. Hear a discussion on the current IRS environment, enforcement initiatives, and practical considerations for effectively interacting with the IRS. Potential IRS audit risks for colleges and universities (including those related to COVID-19) will be addressed, as well as strategies for involving other stakeholders within the institution to promote tax compliance and getting an institution prepared for potential IRS scrutiny.</p> <p>Robert W. Friz, PwC - Philadelphia, PA MaryAnn Piccolo, University of Pennsylvania - Philadelphia, PA</p>
<p>12:00 pm 1.00 hr ethics</p>	<p><b>Tax, Ethics, and Other Issues in Student-Athlete NIL Deals</b></p> <p>Colleges and universities have a complicated role in the rapidly evolving world of student-athlete NIL deals. Explore some of the issues that colleges and universities need to consider, including tricky questions about how to support student-athletes’ efforts to secure NIL deals while also protecting the institution.</p> <p>Amy A. Rodriguez, Adler &amp; Colvin - San Francisco, CA Julie D. Vannatta, The Ohio State University, Retired - Columbus, OH</p>
<p>1:00 pm</p>	<p><b>Adjourn</b></p>