

10TH ANNUAL

HIGHER EDUCATION TAXATION INSTITUTE AND ESSENTIALS

The premier forum for public and private university tax, accounting, legal and business professionals



ESSENTIALS

June 19, 2022

INSTITUTE

June 20–21, 2022

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2022

HIGHER EDUCATION TAXATION ESSENTIALS

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Times listed are in Central Time

SUNDAY AFTERNOON, JUNE 19, 2022

Presiding Officer:

**Julia Shanahan, Columbia University,
New York, NY**

12:00 p.m. Registration Opens

Includes light refreshments.

12:40 p.m. Welcoming Remarks

12:45 p.m. 1.00 hr

Introduction to Section 501(c)(3) Status for Colleges and Universities

Hear a discussion on the specific tax rules governing private colleges and universities and evaluate whether public colleges and universities should pursue or maintain dual status. Discuss Form 990 and Form 990-T filing requirements applicable to colleges and universities and related organizations.

Alexandra O. Mitchell, RSM US LLP, Washington, DC
Preston J. Quesenberry, KPMG LLP, Washington, DC

1:45 p.m. 1.50 hrs

UBIT Essentials

Your university may conduct business activities unrelated to its tax-exempt mission. Learn to apply the three-prong UBI test, statutory exceptions, and statutory exclusions to activities common at college and university campuses. Hear a basic overview of expense allocation rules, siloing and other hot topics related to UBI reporting.

Erin McGlinchey Couture, Grant Thornton LLP, Boston, MA
Julia Shanahan, Columbia University, New York, NY
Kyle R. ZumBerge, The University of Texas Accounting and Financial Management, Austin, TX

3:15 p.m. 15-Minute Break

3:30 p.m. .75 hr

Charitable Contributions

A discussion on the basic definition of a charitable contribution and some of the issues related to charitable gifts. Information on the charitable gift receipting rules will also be included.

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

4:15 p.m. 1.25 hrs

People Payments and Fringe Benefits

Universities frequently receive requests to pay individuals for various reasons. This session will provide insight on the proper classification of a wide range of payment requests a tax director will encounter along with discussion of their reporting requirements.

Joel Levenson, University of Central Florida, Orlando, FL
Tracy Paglia, Moss Adams LLP, Stockton, CA

5:30 p.m. .50 hr

Bond Essentials

An overview of the IRS rules and regulations relating to tax-exempt debt, including private business use and arbitrage and yield restriction. Understanding the rules can help organizations more effectively manage the investment of their bond proceeds and the use of their bond-financed facilities, while avoiding potential IRS hazards associated with noncompliance.

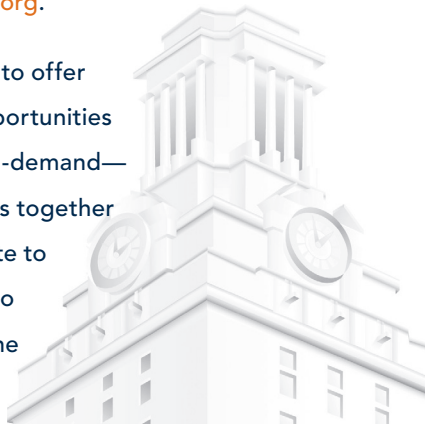
Alan Bond, BLX Group, New York, NY
Barbara Jane League, Orrick, Houston, TX

6:00 p.m. Adjourn

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MONDAY MORNING, JUNE 20, 2022

Presiding Officer: Joseph R. Irvine, The Ohio State University, Columbus, OH

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. 1.25 hr

Recent Developments in College and University Tax Law

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.

Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr., Alexandria, VA
Edward J. Jennings, University of Michigan, Ann Arbor, MI

9:45 a.m. .50 hr

Schedule B and Beyond: Donor Privacy and the Power of the State

The Supreme Court's decision in *Americans for Prosperity v. Bonta* 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.

Alexander L. Reid, BakerHostetler, Washington, DC

10:15 a.m. 15-Minute Break

ACTION THROUGH EDUCATION

Our efforts for real change against racism.
Learn how we as lawyers can join the fight against racial injustice.
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10:30 a.m. 1.00 hr

Identifying UBIT on Your Campus

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.

Andrew J. Gray, Crowe LLP, Dallas, TX
Brian Thomason, Chapman University, Orange, CA
Katie Wilkerson, Texas Tech University, Lubbock, TX

11:30 a.m. 1.00 hr

Qualified Sponsorship or Advertising: You Make the Call

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.

Joseph R. Irvine, The Ohio State University, Columbus, OH
Kyle R. ZumBerge, The University of Texas Accounting and Financial Management, Austin, TX

12:30 p.m. Pick Up Lunch

Included in registration.

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MONDAY AFTERNOON

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

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1:00 p.m. 1.00 hr

Recent Legislative and Policy Developments

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.

Richard A. Grafmeyer, Capitol Tax Partners, Washington, DC

2:00 p.m. 15-Minute Break

2:15 p.m. 1.25 hr

UBIT: Walk Through Your Return

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.

Christina Chase, UCLA Foundation, Los Angeles, CA
Lauren Haverlock, Moss Adams, Los Angeles, CA

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3:30 p.m. 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 p.m. 10-Minute Break

4:40 p.m. 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
Victoria Ozimek, Bracewell LLP, Austin, TX
Kyle Richard, University of Washington, Seattle, WA

5:40 p.m. Adjourn to Reception

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Kelly Education

5:40 p.m. – 6:40 p.m.

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

TUESDAY MORNING, JUNE 21, 2022

Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:00 a.m. 1.00 hr

4960 A Closer Look

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."

Glenn Christofides, Rutgers University, Piscataway, NJ
Ruth M. Madrigal, KPMG LLP, Washington, DC

9:00 a.m. 1.00 hr

Hybrid or Remote Workplace Issues that Touch Tax

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.

Jodi R. Kessler, Massachusetts Institute of Technology, Cambridge, MA
Joel Levenson, University of Central Florida, Orlando, FL

10:00 a.m. 15-Minute Break

10:15 a.m. 1.00 hr

Nonresident Alien Tax Updates

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.

Donna Kepley, Arctic International LLC, Austin, TX

11:15 a.m. .75 hr

Navigating the Challenges of the IRS

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.

Robert W. Friz, PwC, Philadelphia, PA
MaryAnn Piccolo, University of Pennsylvania, Philadelphia, PA

12:00 p.m. 1.00 hr ethics

Tax, Ethics, and Other Issues in Student-Athlete NIL Deals

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.

Amy A. Rodriguez, The Ohio State University, Columbus, OH
Julie D. Vannatta, The Ohio State University, Retired, Columbus, OH

1:00 p.m. Adjourn

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Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$70.36 (\$65*)

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- Webcast Add-on \$75

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- Electronic Post-Course Download (PDF) \$265.21 (\$245*)
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See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



UTE22/UT22

AUSTIN

June 19, 20–21, 2022

CONFERENCE LOCATION



Sheraton Austin Hotel at the Capitol
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Austin, TX 78701
888.627.8349

Special Room Rate: \$159
Good through May 27, 2022
Reference '2022 Higher Education Taxation Institute'
(subject to availability)

Parking: Daily self-parking: \$25
Overnight self-parking: \$30
Daily valet parking: \$35
Overnight valet parking: \$40

KEY DATES

June 10, 2022

Last day for early registration rates

June 14, 2022

Last day for full refund cancellation

June 16, 2022

Last day for partial refund cancellation
\$50 processing fee applied

June 19, 2022, 12:40 p.m., CT

Essentials begins

June 20, 2022, 8:20 a.m., CT

Institute begins

June 21, 2022

Last day to order a printed and shipped course binder with in-person or webcast conference registration.

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