

4th ANNUAL
**HIGHER EDUCATION
TAXATION INSTITUTE**

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



June 5–7, 2016
AT&T Conference Center ■ Austin, TX

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SUNDAY AFTERNOON, JUNE 5, 2016

Presiding Officer

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

1:00 p.m. Registration Opens

Includes light refreshments.

1:50 p.m. Welcoming Remarks

2:00 p.m. .75 hr

Advocacy and Political Campaign Activities in the University Setting

A look at the Internal Revenue Code's prohibition against campaign intervention under Section 501(c)(3) of the Code including when faculty and student speech is attributed to universities.

Laura E. Butzel, Patterson Belknap Webb & Tyler LLP, New York, NY

2:45 p.m. .50 hr ethics

Privileged Communications for Attorneys and CPAs

Learn how to protect the federal tax advice you provide with the tax-practitioner privilege, including best practices and pitfalls for outside and in-house advisors.

Benjamin Davidson, Stanford University, Palo Alto, CA

3:15 p.m. 1.00 hr

Understanding Public Charity Classifications

An overview of the differing public charity classifications and attributes of each.

Joel Levenson, University of Central Florida, Orlando, FL
Mike Sorrells, BDO USA, LLP, McLean, VA

4:15 p.m. Break

4:30 p.m. .75 hr

Measuring Private Business Use

Gain insight on private business use concepts relating to tax-exempt debt and discuss the various nuances of making a private use calculation.

Alan Bond, BLX Group, New York, NY
Kelly Farmer, University of Minnesota, Minneapolis, MN

5:15 p.m. 1.00 hr

Charitable Giving

A discussion of how tax and development departments can work together to maximize charitable giving, including what processes should be in place to ensure that donors receive accurate information; how to prevent development officers from making promises they cannot keep; and how to ensure that gift agreements and charitable trusts receive proper review.

Joseph R. Irvine, The Ohio State University, Columbus, OH
Sean P. Scally, Vanderbilt University and Medical Center, Nashville, TN
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

6:15 p.m. Adjourn to Reception

WELCOME TO TEXAS RECEPTION AND BUFFET

Meet and network with your fellow colleagues and enjoy Texas barbeque.

MONDAY MORNING, JUNE 6, 2016

Presiding Officer:

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

7:45 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

Recent Developments in College and University Tax Law

Review 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 a.m. 1.00 hr

Taxation of Common Higher Education Fringe Benefits

A discussion of commonly missed and misinterpreted fringe benefits provided by colleges and universities, including current IRS positions and issues raised during payroll audits.

Moderator:

Donald E. Rich Jr., KPMG LLP, Greensboro, NC

Panelists:

Kathleen R. Snell, University of Vermont, Burlington, VT
Edward Zavodny, Texas A&M University, College Station, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Dealing with Multi-State Compliance Issues and Employment Taxes

Discussion of the often overlooked compliance requirements and consequences of having a presence outside of your home state.

Terri Burdine, RSM US LLP, Melbourne, FL
Joel Levenson, University of Central Florida, Orlando, FL
Andrienne Mays, RSM US LLP, Melbourne, FL

11:30 a.m. 1.00 hr

Worker Classifications

The misclassification of workers continues to be an area of IRS scrutiny. Review current IRS classification factors, tax and non-tax related consequences of misclassification of workers as well as best practices for ensuring compliance.

Moderator:

Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr., Alexandria, VA

Panelists:

Bob Schirmer, Brigham Young University, Provo, UT
Amy Goodreau Williams, Duke University, Durham, NC

12:30 p.m. Pick Up Lunch

Included in registration.

MONDAY AFTERNOON

Presiding Officer:

Kathleen Snell, University of Vermont,
Burlington, VT

LUNCHEON PRESENTATION

12:50 p.m. .50 hr

Legislative Challenges Facing Colleges and Universities

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.

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

1:20 p.m. Break

1:35 p.m. 1.00 hr

Nonresident Alien Tax Issues—Digging Deeper

Understand the specifics of making certain payments to nonresident alien individuals and entities, from the invitation to the reporting. Participants are encouraged to submit “case studies” from situations they encounter at their institution, including payment details and contracts (of course, with any identifying information omitted). A selection of relevant case studies will be used to drill down to how that payment should be treated with respect to federal tax withholding and reporting. **Case studies must be submitted directly to UT Law CLE at conferenceqa@utcle.org no later than May 10, 2016.**

Donna Kepley, Arctic International LLC, Austin, TX

2:35 p.m. 1.00 hr

Tax and Regulatory Considerations with International Activities

International activities of the university can trigger additional tax and regulatory reporting requirements in both the U.S. and the host country. Explore the most common tax and regulatory considerations for academic and research activities abroad.

Moderator:

Bob Lammey, Ernst & Young LLP

Panelists:

John R. Barrett, University of California System,
Oakland, CA

Julia Shanahan, Columbia University, New York, NY

3:35 p.m. Break

3:45 p.m. 1.00 hr

Taxation of Investments

A look at the taxation of investments held by colleges and universities—both directly and through different investment vehicles—the related reporting requirements, and some of the challenges and pitfalls facing those responsible for compliance in this area.

Moderator:

Richard A. Speizman, KPMG LLP, Washington, DC

Panelists:

Jodi R. Kessler, Harvard University, Cambridge, MA

Amy Goodreau Williams, Duke University,
Durham, NC

4:45 p.m. 1.00 hr ethics

Regulating Tax Practitioners: “Ch-ch-changes, Turn and Face the Strange”

An examination and discussion of recent developments in the regulation of tax practice and tax ethics, including scope of Circular 230, privilege/confidentiality and whistleblowing, among others.

Linda Galler, Maurice A. Deane School of Law at Hofstra University, Hempstead, NY
Christopher S. Rizek, Caplin & Drysdale, Chartered, Washington, DC

5:45 p.m. Adjourn

TUESDAY MORNING, JUNE 7, 2016

Presiding Officer:

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

7:45 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

A Riddle Wrapped in a Mystery Inside an Enigma—Perhaps There is a Key: Tax Issues Facing Athletics Departments

A panel of experts discuss their experiences in dealing with their Athletics departments, including a broad range of issues and possible risks. Gain strategies for developing better working relationships with those in your Athletics departments, and how to enhance approaches and processes to better manage resulting risks.

Moderator:

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

Panelists:

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

Bob Schirmer, Brigham Young University, Provo, UT
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

9:30 a.m. 1.00 hr

Tax Issues that Impact University Incubators and Venture Capital Funds

University involvement in startups is on the rise. Examine the tax considerations in incubating or investing in your students’ and faculty’s companies.

Benjamin Davidson, Stanford University,
Palo Alto, CA
Robert W. Friz, PwC, Philadelphia, PA

10:30 a.m. Break

10:45 a.m. 1.00 hr

UBIT Issues and Reporting

An interactive discussion on key UBIT issues that keep you up at night, covering a range of topics from A to Z: athletics, alternative investments, best practices, data gathering, expense allocations, partnership investments, research, NOLs, sponsorships, to zeroing in on risk. **Participants are encouraged to submit questions in advance to conferenceqa@utcle.org.**

John R. Barrett, University of California System,
Oakland, CA
Jackie Coburn, CPA, Crowe Horwath LLP, Dallas, TX

11:45 a.m. 1.00 hr

CFO UBIT Checklist and Toolkit

A UBIT checklist, which is best completed when filing the Form 990-T (the annual income tax return for nonprofits), may help the signer (typically the CFO) and other executives to understand and appreciate UBIT at your institution, and to take comfort in the proper management and reporting of its federal income tax liabilities. The checklist should summarize the institution’s current UBIT situation and its overall long-term position, as well as analyze the risks and impact of high-profile unrelated activities. Learn ways to utilize a UBIT checklist and modify or tailor it to meet the needs of your institution.

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

12:45 p.m. Adjourn

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- Supreme Court of Ohio Commission on Continuing Legal Education
- Oklahoma Bar Association

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Program Level: Overview
Advance Preparation: None

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HOW TO REGISTER

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After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

eConference: Complimentary 180-day access to the eConference—with papers, slides, and audio—for CLE credit (TX, CA) you may have missed at the live conference. Available in *Your Briefcase* 6–8 weeks after the conference.

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AUSTIN

June 5–7, 2016

CONFERENCE LOCATION



AT&T Conference Center
 The University of Texas at Austin
 1900 University Avenue
 Austin, Texas
 877.744.8822

Special Room Rate: \$185
 good through May 18
 (subject to availability)

Parking:

Free daily self-parking at UT garages.
 Separate fees apply for valet and overnight.

KEY DATES

May 27, 2016

last day for early registration
 add \$50 for registrations
 received after this time

May 31, 2016

last day for cancellation (full refund)

June 2, 2016

last day for cancellation (partial refund)
 \$50 processing fee applied

June 5, 2016, 1:50 p.m.

Institute begins

**REASONS TO ATTEND
 THE HIGHER EDUCATION TAXATION INSTITUTE**

The Higher Education Taxation Institute (HETI) provides a unique forum for college and university tax professionals from around the country to examine and discuss federal tax issues and compliance, legislative, judicial, regulatory and administrative changes affecting colleges and universities. This year's program features:

- Hear the latest developments in college and university tax law, including updates on congressional activity, IRS initiatives and judicial decisions
- Understand UBIT issues and best practices for reporting, including a practical CFO UBIT Checklist and Toolkit to help you and your CFO be better prepared for filing
- Discuss key tax issues in athletic departments, from both a private and public institution perspective
- Discuss commonly missed or misinterpreted fringe benefits provided by colleges and universities
- Review worker classifications and current IRS factors, tax and non-tax related consequences of misclassification, and best practices for ensuring compliance
- Examine public charity classifications and models for charitable giving at colleges and universities
- Explore tax and regulatory Considerations for international activities
- Hear case studies on non-resident alien tax issues
- Earn 1.50 hours of ethics, including a presentation on regulating tax practitioners
- Network with program faculty and attendees at the Sunday evening opening reception

ABOUT THE COVER



Littlefield Fountain by Pompeo Coppini, 1933

The Littlefield Fountain was built with money from a \$250,000 trust established by Major George W. Littlefield as a memorial for The University of Texas students and alumni who died in The Great War, now commonly known as World War I. The fountain is located in front of the Main Tower on The University of Texas at Austin campus.

Photo Credit: Tim Rogers