

5<sup>TH</sup> ANNUAL  
**HIGHER EDUCATION TAXATION  
INSTITUTE AND ESSENTIALS**

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



**ESSENTIALS**  
June 4, 2017

**INSTITUTE**  
June 4–6, 2017

**AT&T Conference Center ■ Austin, Texas**

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2017

# HIGHER EDUCATION TAXATION ESSENTIALS

June 4, 2017 ■ AT&T Conference Center ■ Austin, Texas

Earn up to 3.00 Hours of Credit; 3.50 Hours of CPE Credit Available (NASBA); TX Legal Specialization Credit Approved for Tax Law

## SUNDAY AFTERNOON, JUNE 4, 2017

### Presiding Officer:

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

### 12:00 p.m. Registration Opens

Includes light refreshments.

### 12:30 p.m. Welcoming Remarks

### 12:35 p.m. .75 hr

#### UBIT Essentials

Your university maybe liable for income taxes from business activities unrelated to its tax-exempt purpose or mission. Deciding what activity is taxable can be complicated, explore the analytical framework for making informed taxability decisions. Learn to employ the three-prong UBIT test, statutory exceptions, and statutory exclusions to activities commonly experienced at universities including merchandise sales, research, licensing, leasing property to controlled entities, sponsorship, advertising, leasing facilities, and investment income.

Tracy Paglia, Moss Adams LLP, Stockton, CA  
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

### 1:20 p.m. .75 hr

#### People Payments

Higher Education payments can present tax challenges in a variety of areas. Understanding the payment terminology used in higher education and ensuring tax compliance is a difficult task. Review different types of payments made to individuals, and discuss the associated tax compliance.

Joel Levenson, University of Central Florida, Orlando, FL  
Julia Shanahan, Columbia University, New York, NY

### 2:05 p.m. Break

**M  
C  
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 3.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and a MCLE presumptively-approved provider of the Oklahoma Bar Association (#179). This course has been submitted to the Supreme Court of Ohio Commission on Continuing Legal Education for 3.00 total CLE hours.

### 2:15 p.m. .75 hr

#### Charitable Contributions Essentials

Hear an overview of bona fide transfers of money or property, permissible donees, and IRS Section 170 substantiation and documentation requirements. Explore examples of common donations at colleges and universities, such as athletic event tickets, seats, and receipt of low-cost items.

John R. Barrett, University of California System, Oakland, CA  
Jodi R. Kessler, Massachusetts Institute of Technology, Cambridge, MA

### 3:00 p.m. .75 hr

#### Tax-Exempt Bond Essentials

Examine relevant areas and issues arising from a tax-exempt bond issuance; including the reasons organizations issue tax-exempt bonds, the rules relating to private use of tax-exempt bond proceeds, the importance of adopting post-issuance compliance procedures, and recent IRS guidance affecting tax-exempt bonds.

Marc R. Berger, BDO USA, LLP, McLean, VA  
Kelly Farmer, University of Minnesota System, Minneapolis, MN

### 3:45 p.m. Adjourn Essentials

## REASONS TO ATTEND

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 and legislative, judicial, regulatory, and administrative changes affecting colleges and universities. **Higher Education Taxation Essentials** provides an overview in key areas such as UBIT, payment of scholarships, fellowships, stipends and honoraria, charitable contributions, and tax-exempt bonds. It is the ideal introduction for new entrants to the field and the perfect refresher for those that are not. Objectives:

- Examine recent tax law developments that affect institutions of higher education, including updates on Congressional activity, IRS rulings, and judicial decisions.
- Hear the current Legislative and Policy Outlook for Colleges and Universities and how Congress is examining exempt organizations.
- Understand the recently released safe harbors regarding management contracts and tax-exempt bonds.
- Analyze the complex tax considerations for faculty inventor payments that arise when a university shares revenue from licensing technology.
- Explore emerging issues around the property tax exemption and recent experiences from private and public institutions
- Discuss commonly missed or misinterpreted fringe benefits provided by colleges and universities.
- Examine various types of non-qualified deferred compensation arrangements and the tax rules that apply to them.
- Get tips and strategies from seasoned campus leaders for operating a university tax department, including a variety of models and structures.

## CPE CREDIT

The University of Texas School of Law is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org).

#### Essentials:

Earn up to 3.50 credits in Taxes  
Delivery Method: Group-Live  
Program Level: Overview  
Advance Preparation: None

#### Institute:

Earn up to 17.00 credits in Taxes  
Delivery Method: Group-Live  
Program Level: Overview  
Advance Preparation: None

To comply with NASBA Standards, the Registry sponsor is required to maintain records of participation, dates and locations of programs and number of CPE credits earned by participants. Attendance sign-in sheets will be available at the registration desk, and attendees claiming CPE credit must sign in to verify attendance for each segment. You will need your CPA license number to sign in. A CPE Certificate of Completion will be issued at the conclusion of the conference.

5<sup>TH</sup> ANNUAL  
**HIGHER EDUCATION TAXATION INSTITUTE**

June 4–6, 2017 ■ AT&T Conference Center ■ Austin, Texas

Earn up to 14.25 Hours of Credit; 17.00 Hours of CPE Credit Available (NASBA); TX Legal Specialization Credit Approved for Tax Law

**SUNDAY AFTERNOON, JUNE 4, 2017**

**Presiding Officer:**

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

**3:45 p.m. Registration Opens**

**4:20 p.m. Welcoming Remarks**

**4:30 p.m. 1.00 hr**

**Challenging Charitable Contributions**

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.

Joseph R. Irvine, The Ohio State University, Columbus, OH  
Sean P. Scally, Vanderbilt University and Medical Center, Nashville, TN  
Mike Sorrells, Tate & Tryon, Washington, DC

**5:30 p.m. 1.00 hr**

**New Safe Harbors Regarding Tax-Exempt Bonds that may Reduce Tax Risks and Affect Relations with Management Firms**

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.

Brent Feller, Chapman and Cutler LLP, Chicago, IL  
Edward J. Jennings, University of Michigan, Ann Arbor, MI

**6:30 p.m. Adjourn to Reception**

**WELCOME RECEPTION**

**6:30 p.m. – 7:30 p.m.**

Meet and network with your fellow colleagues. Join us for drinks and hors d'oeuvres with program faculty and attendees.

**MONDAY MORNING, JUNE 5, 2017**

**Presiding Officer:**

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

**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**

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 a.m. 1.00 hr**

**Country-by-Country Reporting**

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 a.m. Break**

**10:45 a.m. 1.25 hrs**

**Nonresident Alien Tax Issues—Beyond the Basics**

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 p.m. Pick Up Lunch**

Included in registration.

**MONDAY AFTERNOON**

**Presiding Officer:**

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

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**12:20 p.m. 1.00 hr**

**Legislative and Policy Outlook for Colleges and Universities**

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.

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

**1:20 p.m. Break**

**1:35 p.m. 1.00 hr**

**Taxation of Faculty Inventor Payments**

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.

Brittany Cvetanovich, Ropes & Gray, Chicago, IL  
Benjamin A. Davidson, The University of North Carolina at Chapel Hill, Chapel Hill, NC

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2:35 p.m. 1.00 hr

### Student Organizations

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.

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

3:35 p.m. Break

3:45 p.m. 1.00 hr

### Property Tax Exemption: Challenging Times for Your University

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.

Robert C. Berness, Princeton, Princeton, NJ  
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

4:45 p.m. 1.00 hr

### Fringe Benefit Issues for Colleges and Universities

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.

Joel Levenson, University of Central Florida, Orlando, FL  
Toby W. Ruda, KPMG LLP, Charlotte, NC  
Amy Goodreau Williams, Duke University, Durham, NC

5:45 p.m. Adjourn

## TUESDAY MORNING, JUNE 6, 2017

### Presiding Officer:

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

7:45 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

### Nexus Rules—State and Local Taxation Issues and Considerations

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, Minneapolis, MN  
Michael Quesada, University of San Diego, San Diego, CA  
Kevin Spiegel, Crowe Horwath LLP, Chicago, IL

9:30 a.m. 1.00 hr

### Deferred Compensation and Employment Agreements

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 a.m. Break

10:45 a.m. 1.00 hr

### Difficult Compensation Challenges

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 a.m. 1.00 hr

### Managing 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 p.m. Adjourn

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- Individual registration after May 26 ..... \$175

#### Printed course binder available through May 26

Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org

- Printed Course Binder ..... \$0

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### INSTITUTE—UT17 – JUNE 4-6

Includes Electronic Course Materials, Sunday Welcome Reception, and Monday Luncheon Presentation

#### Select Registration Type

- Individual registration by May 26 ..... \$595
- Individual registration after May 26 ..... \$645

#### Printed course binder available for an additional fee through May 26

Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org

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### INSTITUTE—UT17

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- Call (512) 475-6876 to register additional participants

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### INSTITUTE—UT17

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- Printed Binder ..... \$275
- Audio Download (MP3) ..... \$175

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**AUSTIN**

June 4–6, 2017

**CONFERENCE LOCATION**



**AT&T Conference Center**  
 1900 University Avenue  
 Austin, Texas  
 877.744.8822

**Special Room Rate: \$185**  
 good through May 26, 2017  
 (subject to availability)

**Parking:**

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

**KEY DATES**

**May 26, 2017**

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

**May 30, 2017**

*last day for cancellation (full refund)*

**June 1, 2017**

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

**June 4, 2017, 12:30 p.m.**

*Essentials begins*

**June 4, 2017, 4:20 p.m.**

*Institute begins*

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