

7<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 2, 2019

**INSTITUTE**  
June 3–4, 2019

AT&T Conference Center ■ Austin, Texas

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Essentials – Earn up to 5.00 Hours of MCLE Credit (Approved in TX, CA, and OK; Expected in OH)

Institute – Earn up to 12.50 Hours of MCLE Credit Including 1.00 Hours Ethics (Approved in TX, CA, and OK; Expected in OH)  
(hours vary by jurisdiction)

TX Board of Legal Specialization Credit Approved for Tax Law  
National Accounting (NASBA) CPE Credit Available: Essentials – 6.00; Institute – 15.00 Hours

2019

# HIGHER EDUCATION TAXATION ESSENTIALS

June 2, 2019 ■ AT&T Conference Center ■ Austin, Texas

Earn up to 5.00 Hours of MCLE Credit (Approved in TX, CA, and OK; Expected in OH)  
(hours vary by jurisdiction)

TX Board of Legal Specialization Credit Approved for Tax Law  
Earn up to 6.00 Hours of National Accounting (NASBA) CPE Credit

## SUNDAY AFTERNOON, JUNE 2, 2019

### Presiding Officer:

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

12:00 p.m. Registration Opens

12:40 p.m. Welcoming Remarks

12:45 p.m. 1.50 hrs

### UBIT Essentials

Your university may conduct business activities unrelated to its tax-exempt purpose or mission. Learn to apply the three-prong UBI test, statutory exceptions, and statutory exclusions to activities common at college and university campuses. We'll build the case for expenses allowed against gross income, and touch briefly on "what's new" in UBI such as siloing and fringe benefits with more details to come in later sessions.

Laura Kalick, Esq., Kalick Law LLC, Washington, DC  
Michelle L'Etang, University of Alabama, Tuscaloosa, AL  
Tracy Paglia, Moss Adams LLP, Stockton, CA

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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 5.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively approved provider (#179). This course is pending review by the Supreme Court of Ohio Commission on CLE in the amount of 5.00 CLE hours.

### ECONFERENCES

If you missed a conference or can't make an upcoming one and don't want to miss out on the experience, UT Law CLE eConferences allow you to earn MCLE credit on your time. View a complete list of available eConferences at [www.utcle.org/econferences](http://www.utcle.org/econferences)

2:15 p.m. 1.00 hr

### Tax-Exempt Bonds Essentials: Managing Private Business Use in Facilities Financed with Tax-Exempt Bonds

Managing private business use associated with facilities financed with tax-exempt bonds is challenging for institutions of higher education because of the wide variety of agreements that exist with private users, as well as the number of bond issues and facilities to be tracked. Explore various techniques for managing private business use, from avoiding it in the first instance to remediating unexpected use years after bonds have been issued. Discuss allocation rules, qualified management contract rules, remedial actions and new guidance from the Internal Revenue service.

Joel Levenson, University of Central Florida, Orlando, FL  
Victoria Ozimek, Bracewell, Austin, TX  
Brian P. Teaff, Bracewell, Houston, TX

3:15 p.m. Break

3:30 p.m. 1.25 hrs

### Charitable Contributions

Cover the basics of charitable contributions. Topics include: defining a charitable contribution, proper receipting of charitable contributions, contributions with strings or benefits, and the basic appraisal requirements.

Joseph R. Irvine, The Ohio State University, Columbus, OH  
Sean P. Scally, Vanderbilt University, Nashville, TN

4:15 p.m. 1.25 hrs

### People Payments and Fringe Benefits

Listen to an overview of the various types of payments that Universities make to employees, students, and others, including fringe benefits, fellowships and scholarships, and non-employee compensation. Gain a better understanding of the taxability and reporting requirements associated with these payments.

Rebecca Berger, MIT, Cambridge, MA  
Joel Levenson, University of Central Florida, Orlando, FL  
Julia Shanahan, Columbia University, New York, NY

6:00 p.m. Adjourn

## ESSENTIALS ACCREDITATION

### 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.nasbaregistry.org](http://www.nasbaregistry.org).

Earn up to 6.00 credits in Taxes  
Delivery Method: Group-Live  
Program Level: Overview Advance  
Preparation: None

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

June 3–4, 2019 ■ AT&T Conference Center ■ Austin, Texas

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(hours vary by jurisdiction)

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Earn up to 15.00 Hours of National Accounting (NASBA) CPE Credit

**MONDAY MORNING, JUNE 3, 2019**

**Presiding Officer:**

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

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Opening Remarks**

**8:30 a.m. 1.25 hrs**

**Recent Developments in College and University Tax Law**

A review of recent tax law developments that affect institutions of higher education including recent tax law changes, IRS rulings and other guidance, and judicial decisions.

Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr., Alexandria, VA  
Donald E. Rich Jr., KPMG LLP, Greensboro, NC

**9:45 a.m. 1.00 hr**

**Multi-State Tax Issues and Compliance**

Wayfair happened, now what do we do? A practical approach to sales tax compliance as well as insight from the legal side. Also discuss employment, UBI, and other tax compliance issues institutions face when crossing state lines and how to determine when those lines have been crossed.

Kara Newcomb, Texas Tech University, Lubbock, TX  
Kevin Spiegel, Crowe LLP, Chicago, IL  
Kevin Walker, Brigham Young University, Provo, UT

**10:45 a.m. Break**

**11:00 a.m. 1.00 hr**

**International Tax Compliance**

Hear an overview of recent developments to be aware of in tax related areas when conducting business in another country. After an introduction to the various aspects of international tax compliance, apply the principles to conducting business in India and discover an approach to common scenarios experienced by higher ed institutions.

Bob Lammey, Ernst & Young LLP, Boston, MA  
Roshan Samuel, Ernst & Young LLP, Chicago, IL  
Julia Shanahan, Columbia University, New York, NY

**12:00 p.m. Break to Pick Up Lunch**

Included in registration.

**MONDAY AFTERNOON**

**Presiding Officer:**

Kyle Richard, University of Washington, Seattle, WA

**THANK YOU TO OUR LUNCHEON PRESENTATION SPONSOR**



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

**Behind the Curtain: Recent Legislative and Policy Developments**

Understanding the rationale of congressional policymakers may help organizations in explaining new rules to their communities and employees, and assist with compliance. This presentation provides unique access and background on various changes, as well as insight into some of the conflicting goals that Treasury and IRS will need to address in their upcoming guidance.

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

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

**1:35 p.m. 1.25 hrs**

**Nonresident Alien Tax Issues**

Recent tax law changes have impacted the area of nonresident alien tax compliance. Attendees should ensure that their institution is up to speed on any new requirements. In addition, we'll dig a bit deeper into payments to foreign entities – which forms are necessary, how the forms should be completed, and how to withhold from and report the payments.

Donna Kepley, Arctic International LLC, Austin, TX

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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 12.50 hours, of which 1.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively approved provider (#179). This course is pending review by the Supreme Court of Ohio Commission on CLE in the amount of 12.50 CLE hours

**2:50 p.m. 1.00 hr**

**Executive Compensation in Higher Education: Tax Issues and Opportunities**

Recruitment and retention of talented employees are crucial for the success of both public and private colleges and universities. Executive compensation can be complex and involve important tax and legal considerations. Review the tax aspects of different forms of executive compensation, including enhanced use of deferred compensation plans, presidential housing, and noncommercial air travel, as well as the new excise tax on compensation paid to certain highly compensated employees.

Karen Field, RSM LLP, Washington, DC  
Wendy M. Swary, The Ohio State University, Columbus, OH

**3:50 p.m. Break**

**4:00 p.m. 1.50 hrs**

**Siloing and Unrelated Business Income Activity**

As if UBIT weren't complicated enough, new rules require nonprofits to compute gains and losses from one unrelated trade or business separately from every other unrelated trade or business. So what, exactly, is a trade or business? And what does one do about UBIT that does not derive from a trade or business? Are there structuring opportunities that colleges and universities can use to get better results? This panel will discuss these and many other issues implicated by the new rules.

**Moderator:**

Alexander L. Reid, Morgan, Lewis & Bockius LLP, Washington, DC

**Panelists:**

Erin Couture, PwC, Boston, MA  
Jodi R. Kessler, Massachusetts Institute of Technology, Cambridge, MA  
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

**5:30 p.m. Adjourn**

**THANK YOU TO OUR WELCOME TO TEXAS RECEPTION AND BUFFET SPONSOR**



**5:30 p.m. – 6:30 p.m.**

Meet and network with your fellow colleagues. Join us for drinks and Texas Barbeque with program faculty and attendees.

**Presiding Officer:**

**Alexandra O. Mitchell, RSM US LLP,  
Washington, DC**

**7:45 a.m. Conference Room Opens**

Includes continental breakfast.

**8:00 a.m. .50 hr**

**Parking and Transportation Tax: Legal Update**

The new tax on parking and transportation expenses continues to be one of the more controversial tax reform provisions. Two experts on the new law will discuss what is settled, and what questions remain.

Benjamin A. Davidson, The University of North Carolina at Chapel Hill, Chapel Hill, NC  
Bertrand M. Harding Jr., Law Offices of Bertrand M. Harding Jr., Alexandria, VA

**8:30 a.m. 1.00 hr**

**Parking and Transportation Tax: Practical Implications**

Universities across the country are examining their parking and transportation programs to minimize tax exposure and still be in compliance with the new tax law. Three campus experts will discuss how their institutions have responded in the face of ongoing uncertainty in this area of the tax law.

**Moderator:**

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

**Panelists:**

Kelly Farmer, University of Minnesota System, Minneapolis, MN  
Kyle Richard, University of Washington, Seattle, WA  
Kyle R. ZumBerge, The University of Texas System Office of General Counsel, Austin, TX

**9:30 a.m. 1.00 hr**

**Sponsored Research - Managing Compliance and Maximizing Revenues**

Sponsored research undertaken by higher ed institutions continues to be an area of growth and can be a substantial source of revenue, albeit with some hefty compliance requirements. Discuss the IRS safe harbor rules regarding sponsored research as provided in Rev Proc 2007-47 and hear from a higher ed representative on internal policies and procedures relating to the management of sponsored research on a campus that utilizes both tax-exempt and other sources of financing.

**Moderator:**

Alan Bond, BLX Group, New York, NY

**Panelists:**

Charles C. Cardall, Orrick, Herrington & Sutcliffe LLP, Washington, D.C.  
Edwin Oswald, Orrick, Herrington & Sutcliffe LLP, Washington, DC  
John Sanchez, Tufts University, Somerville, MA

**10:30 a.m. Break**

**10:45 a.m. 1.00 hr**

**Tax and Legal Issues Related to Charitable Contributions**

Universities want to keep their donors happy, but also need to be aware of the tax and legal issues related to gifts. Discuss the recent changes to athletic seating rights, gift acceptance policies, gift agreements, and other issues related to complex gifts.

Joseph R. Irvine, The Ohio State University, Columbus, OH  
Sean P. Scally, Vanderbilt University, Nashville, TN

**11:45 a.m. 1.00 hr ethics**

**Ethical Issues in Practicing Before the IRS**

Focus on ethical responsibilities and considerations in representing non-profits before the IRS. In particular, the session will address the practical impact of Circular 230, the intersection between Circular 230 and state rules for both attorneys and CPAs, and managing IRS exams and other encounters with the IRS.

Meghan R. Biss, Caplin & Drysdale, Chartered, Washington, DC  
Preston Quesenberry, KPMG LLP, Washington, DC

**12:45 p.m. Adjourn**

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Earn up to 15.00 credits in Taxes  
Delivery Method: Group-Live  
Program Level: Overview Advance  
Preparation: None

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www.utcle.org/conferences/UT19

**Mail:**  
The University of Texas School of Law  
ATTN: Registration  
PO Box 7759  
Austin, TX 78713-7759

**Fax:**  
512.475.6876

**Questions?**  
512.475.6700

*If you would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.*

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**LIVE EVENT REGISTRATION**

*Special group registration rates available. Call 512.475.6700*

**Essentials Registration**

- Individual registration by May 22, 2019 ..... \$175
- Individual registration after May 22, 2019 ..... \$225

**Printed Essentials Binder** – Available Through May 22, 2019

- Printed Course Binder (8.25% sales tax included) ..... \$16.24
- Printed Course Binder for Tax Exempt Registrants ..... \$15

**Essentials Registration Total** ..... \$ \_\_\_\_\_

**Institute Registration**

- Individual registration by May 22, 2019 ..... \$595
- Individual registration after May 22, 2019 ..... \$645

**Printed Institute Binder** – Available Through May 22, 2019

- Printed Course Binder (8.25% sales tax included) ..... \$37.89
- Printed Course Binder for Tax Exempt Registrants ..... \$35

**Dietary Restrictions (Lunch)** – Available Through May 22, 2019

*Please note food requests will be relayed to the service provider, but we cannot guarantee accommodation.*

- Vegetarian  Vegan  Gluten Free  Dairy Free  None

**Institute Registration Total** ..... \$ \_\_\_\_\_

**LIVE EVENT REGISTRATION SUBTOTAL** ..... \$ \_\_\_\_\_

**SAVE \$25 WITH REGISTRATION FOR BOTH ESSENTIALS AND INSTITUTE** ..... **-\$25** \$ \_\_\_\_\_

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**Essentials eConference** – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.

- Essentials eConference ..... \$125

**Essentials Post-Course Binder** – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) (8.25 % sales tax included) ..... \$70.36
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- Printed Post-Course Binder (8.25% sales tax included) ..... \$124.49
- Printed Post-Course Binder for Tax Exempt Entities ..... \$115

**Essentials Post-Conference Products Subtotal** ..... \$ \_\_\_\_\_

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Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

- eLibrary 12 Month Subscription (8.25 % sales tax included) ..... \$319.34
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**\$ \_\_\_\_\_**

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**AUSTIN**

June 2, 3–4, 2019

**CONFERENCE LOCATION**



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

**Special Room Rate: \$189**  
 Good through May 1, 2019

Reference 'Higher Education Tax Institute 2019'  
 (subject to availability)

**Parking:**

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

**KEY DATES**

**May 22, 2019**

*Last day to order a printed binder*

**May 22, 2019**

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

**May 23, 2019**

*Last day for full refund cancellation*

**May 28, 2019**

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

**June 2, 2019, 12:40 p.m.**

*Essentials begins*

**June 3, 2019, 8:20 a.m.**

*Institute begins*

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**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, as well as legislative, judicial, regulatory, and administrative changes affecting colleges and universities.

- Examine recent tax law developments that affect institutions of higher education, including updates on congressional activity, IRS rulings, and judicial decisions.
- Learn about the various aspects of international tax compliance and how to apply the principles when conducting business in another country.
- Explore the recent changes to athletic seating rights, gift acceptance policies and agreements, and other issues related to complex gifts.
- Discuss the legal and practical implications of qualified transportation fringe benefits.
- Understand the impact of siloing in reporting UBIT, including how direct activities may be allocated, how investment activities may be handled, and different methods and considerations for both.
- Visit with program faculty and attendees at the **Monday Evening Welcome to Texas BBQ Reception.**