

2013 Higher Education Taxation Institute
March 24-26, 2013 • AT&T Conference Center • Austin, TX

Sunday Afternoon, Mar. 24, 2013

Presiding Officer:

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

2:00 pm	Registration Opens
2:50 pm	Welcoming Remarks
3:00 pm 1.25 hrs	Implementing Your Post-Issuance Tax Exempt Bond Compliance Policy A review of ways that university administrators have implemented written policies and guidance regarding tax-exempt bond compliance. Specific topics include record retention, proceeds tracking, arbitrage rebate and private business use along with examples of written bond compliance policies. Take away best practices from this session. Kelly Farmer, University of Minnesota - Minneapolis, MN Cynthia Nethercut, Yale University - New Haven, CT
4:15 pm 1.00 hr	Joint Ventures: A Practical Approach to Tax Compliance Colleges and universities often encounter opportunities to participate in projects with commercial entities in order to further their educational missions, generate revenue or improve research capabilities. A look at tax rules applicable to joint ventures and practical approaches to evaluating and structuring these opportunities. Laura E. Butzel, Patterson Belknap Webb & Tyler LLP - New York, NY Tomer Inbar, Patterson Belknap Webb & Tyler LLP - New York, NY
5:15 pm	Break
5:30 pm 1.00 hr ethics	Ethical Pressures in Corporate and Organizational Environments This presentation discusses the problems of ensuring ethics compliance within law firms and other organizational settings with specific reference to the causes of unethical behavior and methods for reducing it. It also addresses advice lawyers can and should give to institutional clients in connection with a broad range of compliance issues. William J. Chriss, Gravely & Pearson, L.L.P. - Austin, TX
6:30 pm	Welcome to Texas Reception Meet and network with your fellow colleagues and enjoy Texas barbeque and live music.

Monday Morning, Mar. 25, 2013

Presiding Officer:

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

7:30 am	Conference Room Opens Includes continental breakfast.
8:15 am 0.75 hr	Recent Developments in College and University Tax Law A look at the most recent tax law developments affecting institutions of higher education, including Congressional hearings, IRS pronouncements and enforcement measures, and judicial decisions. Edward J. Jennings, University of Michigan - Ann Arbor, MI
9:00 am 0.75 hr	IRS Audit Update Ray G. Cano, Internal Revenue Service - Austin, TX
9:45 am 0.75 hr	Lessons from the Trenches: IRS Audit Experiences As a follow-up to the recent wave of IRS examinations of higher education institutions, in-house tax counsel members discuss their audit experiences in dealing with the IRS and lessons learned. Advice is offered along with strategies on best practices in preparing for future examinations, ranging from managing net operating losses (NOLs) from unrelated business taxable income (UBTI) to reviewing and possibly revising contracts with respect to employment agreements, sponsorship arrangements, and other matters. Moderator: Edward J. Jennings, University of Michigan - Ann Arbor, MI Panelists: Joseph R. Irvine, The Ohio State University - Columbus, OH Panelists: Kyle R. ZumBerge, The University of Texas System Office of General Counsel - Austin, TX
10:30 am	Break
10:45 am 1.25 hrs	Hot Topics in College and University UBIT The IRS has a particular interest in unrelated business income tax (UBIT), especially UBIT losses, as its recent college and university audit indicates. The session focuses on UBIT issues on the front burner for many colleges and universities, including the tax impact of licensing intellectual property (e.g. patents, know-how, lectures and other course material) to third parties and to university or faculty sponsored start-ups. Other topics include disallowance of loss deductions for activities deemed by the IRS as "not engaged in for profit," royalty arrangements versus income for services, qualified sponsorship payments, agency issues in sports marketing arrangements, rental income tied to the revenues of tenants, parking, recreational facilities such as golf courses, unrelated debt-financed income, and taxable rents, royalties and interest under IRC Section 512(b)(13). Frances R. Hill, University of Miami School of Law - Coral Gables, FL A. L. (Lorry) Spitzer, Ropes & Gray LLP - Boston, MA
12:00 pm	Pick Up Lunch Included in conference registration.

Monday Afternoon, Mar. 25, 2013

Presiding Officer:

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

	LUNCHEON PRESENTATION
12:20 pm 0.75 hr	<p>Legislative and Policy Outlook for Colleges and Universities</p> <p>A look from inside the beltway at how Congress is addressing major tax issues surrounding fallout from the fiscal cliff and debt ceiling negotiations, changing rates, taxation on investments, new rules on charitable contributions and the Affordable Care Act.</p> <p>Richard A. Grafmeyer, Capitol Tax Partners - Washington, DC</p>
1:05 pm	Break
1:15 pm 1.50 hrs	<p>Current Issues in Making Alternative Investments</p> <p>The role of alternative investments—real estate, hedge funds, equity funds—in the investment portfolio of colleges and universities is an increasingly important one. Alternative investments tend to raise far more tax issues than typical investments in marketable securities. This session provides an overview of alternative investments, their tax and reporting implications, and structuring opportunities. Both basic and more advanced issues are discussed.</p> <p>Moderator: Richard A. Speizman, KPMG LLP - Washington, DC</p> <p>Panelists: John R. Barrett, University of California System - Oakland, CA</p> <p>Panelists: Adam Gale, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. - New York, NY</p>
2:45 pm	Break
3:00 pm 1.25 hrs	<p>Nonresident Alien Tax Issues</p> <p>Institutions make more payments to foreign individuals and entities than they often realize. While understanding the changing tax regulations regarding payments made to foreign payees can be difficult, it is often the internal process of identifying potential payments and then applying the correct tax withholding and reporting that is the most challenging part of the equation. This session reviews the tax rules, and also takes a step further to discuss the procedural elements of being in compliance in an efficient manner.</p> <p>Donna Kepley, Arctic International LLC - Washington, DC</p>
4:15 pm 1.25 hrs	<p>Tax-Exempt Finance</p> <p>A review of private activity constraints with a focus on topics unique to higher education such as sponsored research, summer use of facilities, collaborative arrangements with other institutions, and arbitrage issues as to fundraising and informal debt service funds. A look at the development of written procedures for post-issuance tax compliance, including support for filing of Schedule K (Form 990), and the implications for tax-exempt finance of Congressional deficit reduction and tax reform efforts.</p> <p>Moderator: Maxwell D. Solet, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. - Boston, MA</p> <p>Panelists: Nancy M. Lashnits, Steptoe & Johnson PLLC - Phoenix, AZ</p> <p>Panelists: George T. Magnatta, Saul Ewing LLP - Philadelphia, PA</p>
5:30 pm	Adjourn

Monday Evening, Mar. 25, 2013

6:15 pm
0.00 hr ethics

Austin Land and Lake Tour by Austin Duck Adventures

Austin Duck Adventures' amphibious tour of downtown Austin and beautiful Lake Austin on an unsinkable, U.S. Coast Guard-inspected Hydra Terra vehicle. Take Austin's best tour with 75 minutes of sightseeing that includes Historic Sixth Street, the State Capitol, Bob Bullock State History Museum, the Governor's Mansion and Lake Austin. Select on Registration Form.

Tuesday Morning, Mar. 26, 2013

Presiding Officer:

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

8:00 am

Conference Room Opens

Includes continental breakfast.

8:30 am
0.75 hr

Charitable Gifts: Carving a Name in Stone

A consideration of drafting and negotiating naming gifts, including tax and other issues associated with perpetual naming, enforceability, donors who fall into ill repute, the "branding" of a building or a program and the use of tax-exempt organizations (e.g., family or company foundations and donor-advised funds) as funders.

John Sare, Patterson Belknap Webb & Tyler LLP - New York, NY

9:15 am
0.75 hr

Keynote Presentation: View From the IRS

Holly O. Paz, Internal Revenue Service - Washington, DC

10:00 am

Break

10:15 am
1.00 hr

Employment Tax, Fringe Benefits and Information Reporting Update

An update on latest developments related to perks, payments to workers and worker classification, including IRS examinations and compliance initiatives.

Marianna G. Dyson, Miller & Chevalier Chartered - Washington, DC

11:15 am
1.00 hr

Successful Global Expansion of Higher Education—Minimizing Risk and Maximizing Opportunity

As many higher education institutions seek transnational growth opportunities, university counsel play a critical role in the development of international strategies and implementation of international initiatives and operations. Guiding principles and practical lessons learned are shared, based on first-hand experience with successful global expansion strategies. Areas of focus include cross-border transactions (e.g. salary, tuition), local and expatriate taxation and immigration, local audit and regulatory compliance, cost and revenue centers, education regulation, sponsored research and distance learning.

Timothy A. Stiles, KPMG LLP - New York, NY
Lisa Woods, KPMG LLP - Philadelphia, PA

12:15 pm

Adjourn
