

**12<sup>th</sup> Annual Higher Education Taxation Institute**  
**June 13-14, 2024 • The Otis Hotel Austin • Austin, TX**

**Thursday Morning, June 13, 2024**

**Presiding Officer:**

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

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 am 1.25 hrs	<b>Recent Developments in College and University Tax Law</b>  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. Discuss the impact on prevalent tax issues, including unrelated business taxable income, compensation and fringe benefits, charitable contributions, international activities, endowments, and reporting requirements.  Benjamin A. Davidson, The University of North Carolina at Chapel Hill - Chapel Hill, NC Edward J. Jennings, University of Michigan - Ann Arbor, MI
9:45 am 1.00 hr	<b>Charitable Giving in a Changing World</b>  This session addresses key tax issues relating to charitable giving currently faced by colleges and universities (and their donors). How should your institution handle donor requests for involvement in scholarship selections, or for race- or gender-based scholarship criteria? As sophisticated donors increasingly turn to strings-attached philanthropy, what opportunities and pitfalls are there in the qualified sponsorship UBTI rules and rules relating to completion of a gift? How can your institution's donation acknowledgment and Form 8283/8282 practices impact your donors' likelihood of successfully taking tax deductions for their gifts? Will your institution feel the impact of the newly proposed donor-advised fund regulations? The session discusses both the theory and practice of tackling these questions in the higher education environment.  Brittany Cvetanovich, The Ohio State University - Columbus, OH Alexandra O. Mitchell, RSM US LLP - Seattle, WA Sean P. Scally, Vanderbilt University - Nashville, TN
10:45 am	<b>15-Minute Break</b>
11:00 am 1.00 hr	<b>IRA Energy Tax Credits</b>  A discussion of available credits and tips on working with campus partners to identify and quantify projects. The discussion is from the university perspective to highlight experiences and challenges we've encountered in working with the tax credits.  Susan P. Clark, Emory University - Atlanta, GA Jodi R. Kessler, Massachusetts Institute of Technology - Cambridge, MA Kimberly A. Maxwell, University Of Illinois - Urbana, IL


12:00 pm	<b>Pick Up Lunch (in Austin)</b>  Included in registration.
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## Thursday Afternoon, June 13, 2024

### Presiding Officer:

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

### LUNCHEON PRESENTATION

	<b>Thank You to Our Luncheon Sponsor</b>  
12:20 pm 1.00 hr	<b>Legislative and Policy Update; Playing Defense for 2024 and Preparing for 2025</b>  Gain insight into what has been and will be occurring in 2024 regarding taxation of universities, their endowments, and examinations of school conduct and governance policies. Discuss the upcoming 2024 elections and the impact on tax policy, including the expected rewrite of the 2017 tax bill and related issues.  Richard A. Grafmeyer, Capitol Tax Partners - Washington, DC
1:20 pm	<b>15-Minute Break</b>
1:35 pm 0.75 hr	<b>NIL Updates</b>  Where are we today when it comes to Name, Image & Likeness? This session discusses the background and current state of NIL legislation from NCAA, Federal and State levels with a focus on institutional compliance.  Joel Levenson, University of Central Florida - Orlando, FL Tyrone P. Thomas, Holland & Knight LLP - Washington, DC
2:20 pm 0.75 hr	<b>Joint Ventures with For-Profits</b>  Walk through specific examples of operating agreements for joint ventures structured as a partnership. Learn what language you should include, what to watch out for and some common approaches to ensuring the joint venture will further tax-exempt purposes. This session is intended to provide a practical approach to joint ventures based upon real-world examples.  Colby Rogers, Ropes & Gray LLP - Boston, MA Thomas C. Schroeder, Davis Wright Tremaine LLP - Seattle, WA
3:05 pm	<b>15-Minute Break</b>

3:20 pm 1.00 hr	<p><b>Tax-Exempt Bond Compliance Overview</b></p> <p>This session provides an overview of the IRS rules and regulations applicable to tax-exempt bonds, including arbitrage rebate, private business use, and change in use of bond financed facilities, and provides an update on IRS enforcement and oversight in these areas. In addition, our university representative provides insight on how her organization manages its post-issuance tax compliance responsibilities.</p> <p>Alan Bond, BLX Group - New York, NY Kirsten Muller, University of Minnesota - Minneapolis, MN Santee Stallings, BLX Group - Dallas, TX</p>
4:20 pm 1.00 hr	<p><b>Managing UBTI to Infinity and Beyond</b></p> <p>The new tax landscape with recent legislation and a significant budget increase for the IRS raises the risks and stakes in managing unrelated business taxable income (UBTI). This session will discuss reporting UBTI for both alternative investments and other university operations, including issues that have arisen during the post pandemic period, such as debt from lines of credit, rent from unused office space, and the use of energy resources. This session will discuss best practices, tips and planning strategies (including considerations for using a corporate blocker structure), to identify, quantify and minimize UBTI liabilities while maximizing tax savings. Proper management of these emerging UBTI challenges and concerns will provide executive management with awareness, avoiding unnecessary surprises, which may result in an increase in needed resources and support.</p> <p>Robert W. Friz, PwC - Philadelphia, PA Edward J. Jennings, University of Michigan - Ann Arbor, MI</p>
	<p><b>Thank You to Our Reception Sponsor</b></p> 
5:20 pm	<b>Adjourn</b>

## Friday Morning, June 14, 2024

### Presiding Officer:

**Brittany Cvetanovich**, The Ohio State University - Columbus, OH

7:45 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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8:00 am 1.00 hr	<p><b>Preparing Your Institution Today for Tomorrow's Audits</b></p> <p>This session addresses navigating the shifting tax landscape of audits due to the increased IRS budget and innovative information technology and discusses current issues in higher education that are being audited by the IRS and state taxing agencies. This session also explores best practices to prepare your institution for examinations, inquiries and compliance checks in the near future, including managing additional risks from new or emerging issues, bolstering files, communicating compliance to campus units and updating executive management on risks and resources.</p> <p>Preston J. Quesenberry, KPMG LLP - Washington, DC  Kyle R. ZumBerge, The University of Texas - Tax Services - Austin, TX</p>
9:00 am 1.00 hr	<p><b>People Payment Puzzles: Decoding Payments to Individuals and Related Tax Implications</b></p> <p>Highlight and discuss some of the hot topics higher education institutions are facing in the accounts payable and payroll spaces.</p> <p>Meghan McCollum, University of Central Florida - Orlando, FL  Rebecca Menin, Massachusetts Institute of Technology - Cambridge, MA  Paula T. Torres, KPMG LLP - Houston, TX</p>
10:00 am 1.00 hr	<p><b>International Jeopardy</b></p> <p>An interactive game of Jeopardy with topics highlighting international issues including; BEPS 2.0, indirect and digital taxes, nexus and triggering permanent establishment, NSPM33, 117 compliance, audit notices, and more!</p> <p>John M. Kelleher, Crowe LLP - Dallas, TX  Jodi R. Kessler, Massachusetts Institute of Technology - Cambridge, MA  Artemis Velahos Koch, University of Pennsylvania - Philadelphia, PA  Bob Lammey, Ernst &amp; Young LLP - Boston, MA</p>
11:00 am	<p><b>15-Minute Break</b></p>
11:15 am 1.00 hr	<p><b>Public Policy Issues and Concerns</b></p> <p>Congress views tax exemption of colleges and universities as a subsidy to produce charitable goods and services for the benefit of society. Recently, some members of Congress have expressed the view that the subsidy entitles them to demand that schools adopt certain policies and procedures. Executive Branch agencies from the IRS and Treasury to Department of Education and Department of Labor are actively pursuing various regulatory agendas as well. These range from prohibiting investments in Chinese companies, attacks on endowments, setting tuition rates, requiring campus speech and antisemitism policy, regulating name image and likeness payments to student athletes, dictating what donor advised funds can do, granting authority to executive branch agencies to enact regulations furthering these and other positions. The federal government's actions will impact your university. The question is: how will you respond?</p> <p>Alexander L. Reid, Baker &amp; Hostetler LLP - Washington, DC  Kyle R. ZumBerge, The University of Texas - Tax Services - Austin, TX</p>

12:15 pm  
1.00 hr ethics

### **Circular 230: Ethical Responsibilities of In-House Tax Practitioners**

The question of whether and how the rules under Circular 230, which governs federal tax practice before the IRS, apply to in-house counsel is often raised. Join the Office of Professional Responsibility (OPR), the IRS responsibility for oversight of practitioner, to learn about how in-house counsel may come within OPR's jurisdiction, OPR's role, mission, and procedures, pertinent Circular 230 provisions applicable to in-house counsel and other practitioners, and OPR's investigative and disciplinary processes. Also touch on procedures that should be put in place to ensure compliance with Circular 230 and other best practices.

Sharyn Fisk, Internal Revenue Service - Washington, DC

1:15 pm

**Adjourn**