

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



June 13–14, 2024  
The Otis Hotel Austin ■ Austin, Texas

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Earn up to 15.00 Hours of National, and TX Accounting CPE Credit

*Times listed are in Central Time*

**THURSDAY MORNING, JUNE 13, 2024**

**Presiding Officer:**

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

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

Includes continental breakfast.

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

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

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

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 a.m. 1.00 hr**

**Charitable Giving in a Changing World**

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 a.m. 15-Minute Break**

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

**IRA Energy Tax Credits**

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 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**

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

**THANK YOU TO OUR LUNCHEON SPONSOR**



**LUNCHEON PRESENTATION**

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

**Legislative and Policy Update; Playing Defense for 2024 and Preparing for 2025**

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 p.m. 15-Minute Break**

**1:35 p.m. .75 hr**

**NIL Updates**

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 p.m. .75 hr**

**Joint Ventures with For-Profits**

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 p.m. 15-Minute Break**

**3:20 p.m. 1.00 hr**

**Tax-Exempt Bond Compliance Overview**

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.

Alan Bond, BLX Group, New York, NY  
Kirsten Muller, University of Minnesota, Minneapolis, MN  
Sandeep Stallings, BLX Group, Dallas, TX

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**Call 512.475.6700 to register.**

4:20 p.m.

1.00 hr

**Managing UBTI to Infinity and Beyond**

The new tax landscape with recent legislation and a long-term increased IRS budget raises the risks and stakes in managing unrelated business taxable income (UBTI). This session discusses Form 990-T reporting for both alternative investments and other university operations, including additional issues and forms that have arisen during the post pandemic period, such as debt from lines of credit, rent from unused office space, income from tech transfer, income from investments, and energy tax credits, among others. Also, hear best practices, investment structuring considerations, planning strategies (including considerations for using a corporate blocker structure), and tips to identify, quantify and minimize UBTI liabilities while maximizing tax savings when filing a complete and accurate income tax return. This session also addresses assessing risks and quantifying the financial impact of the UBTI activities by projecting taxes, e.g., forecasting the burn rate of the universal and possibly silo net operating losses, to manage budget constraints as well as expectations from the schools, colleges and units in addition to investment offices and executive officers. Proper management of these additional UBTI challenges and concerns, including communications with impacted parties, may help provide the tax professionals and those responsible for taxes with the opportunity to increase needed resources and support.

Robert W. Friz, PwC, Philadelphia, PA  
Edward J. Jennings, University of Michigan,  
Ann Arbor, MI

**5:20 p.m. Adjourn to Reception**

**THANK YOU TO OUR  
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**5:20 p.m. – 6:20 p.m.**

Join us for drinks and hors d'oeuvres with  
program faculty and attendees

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to live conferences or live webcasts.*

**FRIDAY MORNING, JUNE 14, 2024****Presiding Officer:**

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

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

Includes continental breakfast.

**8:00 a.m. 1.00 hr****Preparing Your Institution Today for Tomorrow's Audits**

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.

Preston J. Quesenberry, KPMG LLP, Washington, DC  
Kyle R. ZumBerge, The University of Texas - Tax  
Services, Austin, TX

**9:00 a.m. 1.00 hr****People Payment Puzzles: Decoding Payments to Individuals and Related Tax Implications**

Highlight and discuss some of the hot topics higher education institutions are facing in the accounts payable and payroll spaces.

Meghan McCollum, University of Central Florida,  
Orlando, FL  
Rebecca Menin, Massachusetts Institute of  
Technology, Cambridge, MA  
Jon Stone, KPMG LLP, New York, NY

**10:00 a.m. 1.00 hr****International Jeopardy**

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!

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 & Young LLP, Boston, MA

**11:00 a.m. 15-Minute Break**

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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 12.75 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 (#169).

11:15 a.m.

1.00 hr

**Public Policy Issues and Concerns**

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?

Alexander L. Reid, Baker & Hostetler LLP,  
Washington, DC  
Kyle R. ZumBerge, The University of Texas - Tax  
Services, Austin, TX

**12:15 p.m. 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 p.m. Adjourn****INSTITUTE ACCREDITATION**

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 15.00 credits

Field of Study: Specialized Knowledge and Taxes

Delivery Method: Group-Live

Program Level: Intermediate and Advance

Preparation and Prerequisite: None

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School of Law  
ATTN: CLE  
P.O. Box 12883  
Austin, TX 78711

### Fax:

512.475.6876

**Questions? 512.475.6700**

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

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 6–8 weeks after the event.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

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### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

Live, In-Person Event Registration . . . . . \$625 | \$725 after May 29

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, June 14, 2024

*Please note that the printed binder will arrive 2–3 weeks after the conclusion of the live event. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

Printed and Shipped Course Binder . . . . . \$81.19 (\$75\*)

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

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

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6–8 weeks after live event. Hours may vary depending on actual event runtime.*

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

Electronic Post-Course Download (PDF) . . . . . \$297.69 (\$275\*)

Printed Post-Course Binder . . . . . \$351.81 (\$325\*)

**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

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**AUSTIN**

June 13-14, 2024

CONFERENCE LOCATION



**The Otis Hotel Austin**

1901 San Antonio St.  
 Austin, TX 78705

512.473.8900 (reservations)

**Special Room Rate: \$209**

good through May 22, 2024

reference "Higher Education Tax Institute"  
 (subject to availability)

**Parking:**

Daily self-parking: \$35

Daily overnight self-parking: \$45

Valet Parking: \$55

**KEY DATES**

**May 29, 2024**

*Last day for early registration rates*

**June 7, 2024**

*Last day for full refund cancellation*

**June 10, 2024**

*Last day for partial refund cancellation*

\$50 processing fee applied

**June 13, 2024 8:20 a.m., CT**

*Institute begins*

**June 14, 2024**

*Last day to order a printed and shipped  
 course binder with conference registration.*

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**REASONS TO ATTEND AND LEARNING OBJECTIVES**

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. Highlights :

- *Recent Developments in College and University Tax Law* reviews recent tax law developments that affect the higher education community, such as Congressional legislation, IRS enforcement measures and pronouncements as well as judicial decisions.
- *Legislative and Policy Update; Playing Defense for 2024 and Preparing for 2025*, provides 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.
- *Managing UBTI to Infinity and Beyond* discusses Form 990-T reporting for both alternative investments and other university operations, including additional issues and forms that have arisen during the post pandemic period, such as debt from lines of credit, rent from unused office space, income from tech transfer, income from investments, and energy tax credits, among others.
- *International Jeopardy* is 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!
- Visit with program faculty and attendees at the **Thursday Evening Reception**.