2022 HIGHER EDUCATION TAXATION ESSENTIALS
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CHARITABLE CONTRIBUTIONS

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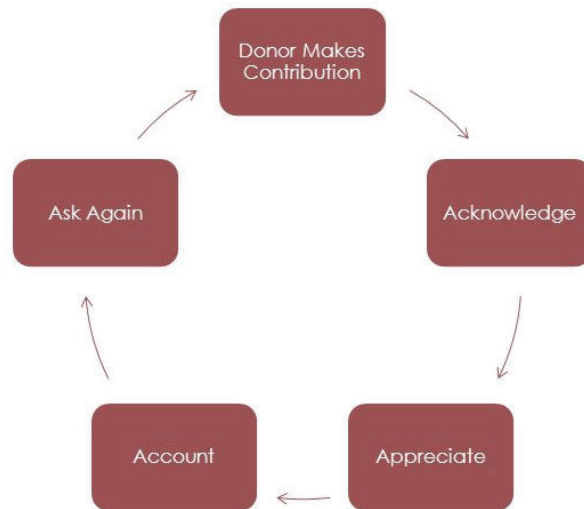
THE UNIVERSITY OF TEXAS SCHOOL OF LAW

Charitable Contributions

- Definition of a charitable contribution
- "Contributions" with strings or benefits
- Receipting rules
- Appraisal requirements

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Donor Relations

Donor Relations Cycle

What is a Charitable Contribution?

- **The *sine qua non* of a charitable contribution is a transfer of money or property without adequate consideration.**
- **Essential elements**
  - Donor competent to make the gift
  - Donee capable of taking the gift
  - Clear and unmistakable intention on the part of donor to absolutely and irrevocably divest himself of the title, dominion and control of the subject matter of the gift
  - Irrevocable transfer (e.g., contingency?)
  - Delivery by donor to donee (e.g., TPP)
  - Acceptance by donee (e.g., land gift)

Charitable Contribution

- Made with "disinterested generosity"
- If the size of a taxpayer's payment to a charity is clearly out of proportion to the benefit received, the taxpayer may claim a charitable contribution equal to the difference between a payment to the charitable organization and the market value of the benefit received in return on the theory that the payment has the "dual character" of a purchase and a contribution

Generosity is, by definition, disinterested.

CHARITY

Quid Pro Quo Transactions

- A donor receives a privilege or benefit in return for a contribution

- Charity must value the return benefit
- Discussed later

Big BENEFITS Package

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Title search: Charitable Contributions

Also available as part of the eCourse

[2022 Higher Education Taxation Essentials eConference](#)

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2022 Higher Education Taxation Essentials session
"Charitable Contributions"