



Unearthing Old Skeletons

The University of Texas School of Law
2023 Higher Education Taxation
Institute
June 6, 2023



1

Presenters



Timothy J. McCormally
Special Counsel,
Office of Professional
Responsibility
Internal Revenue Service



Tom Greenaway
Principal
KPMG LLP



© 2023 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. NDP409054-3A

2

2

The Set-Up

3

The Set-Up

University officials sometimes discover that a tax position the school has taken may be incorrect.

Our panel will discuss ways to deal with these situations.

- If the tax position is wrong, what are the school's options?
- Do you fix it prospectively or is retroactive correction or even a voluntary disclosure required or recommended?
- Who should be on the team and in the circle?

4

Grist for the Mill

5

Grist for the Mill

Here are some common areas where tax issues arise for universities:

- Failure to make required tax filings and payments
- Compensation issues, including remote worker payroll issues
- Complex new federal tax rules, including:
 - UBIT calculations (UBIT silos, NOLs, etc.)
 - Excess tax-exempt organization executive compensation (i.e., the “top five” calculation)
 - Excise tax on endowment income calculations

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Unearthing Old Skeletons

Also available as part of the eCourse

[2023 Higher Education Tax eConference](#)

First appeared as part of the conference materials for the 11th Annual Higher Education Taxation Institute session "Unearthing Old Skeletons"