



TREASURY DEPARTMENT

WASHINGTON

OFFICE OF
COMMISSIONER OF INTERNAL REVENUE

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COMMISSIONER OF INTERNAL REVENUE
AND REFER TO

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AUG 14 1941

The Ohio State University,
c/o Howard L. Bevis, President,
Columbus, Ohio.

Sirs:

Reference is made to the evidence submitted by you in support of your claim to exemption from the payment of Federal income and Federal employment taxes. Previous to ruling upon your status for Federal employment tax purposes, it is deemed advisable to determine your status for Federal income tax purposes.

From the evidence submitted it appears that you were created by act of the legislature of the State of Ohio on March 22, 1870, as The Ohio Agricultural and Mechanical College. Your name was subsequently changed to The Ohio State University. It is stated that The Ohio State University was organized under the Federal Land-Grant (Morrill) Act and statutes of the State of Ohio; that these statutes provide for the setting up of a board of trustees consisting of seven members, appointed by the Governor and confirmed by the Senate, to which is committed the government and management of the institution; that the university occupies land which belongs to the State of Ohio and carries on regular university instruction and research; that this instruction is conducted in ten colleges and a graduate school and comprises courses numbering something in excess of 4,000; that these courses are given in some seventy departments of which the Department of Athletics is one; that all athletic receipts and disbursements are handled through the university treasury; and that the instructional force consists of approximately 1,500 people and the annual enrollment of students is in the neighborhood of 18,000. It appears that your actual activities are in conformity with the statements set forth above, and that The Athletic Association of Ohio State University, Columbus, Ohio, which is known as the Department of Athletics, is one of the activities of The Ohio State University, being one of seventy departments which is maintained and operated under the control and jurisdiction of The Ohio State University.

It is stated that your income is derived from the State of Ohio, Federal Government, student fees, laboratory fees, hospital

The Ohio State University.

and athletic receipts, dormitories, dining halls and from miscellaneous sales and gifts, and that the proceeds thereof are used to defray general maintenance and operating expenses and for the upkeep and maintenance of buildings and property owned by your university. It appears that you have no capital stock and that no income inures to the benefit of any private shareholder or individual.



Based on the evidence presented, it appears, therefore, that you are an instrumentality of the State of Ohio and as such are exempt from Federal income tax and are not required to file returns of income.

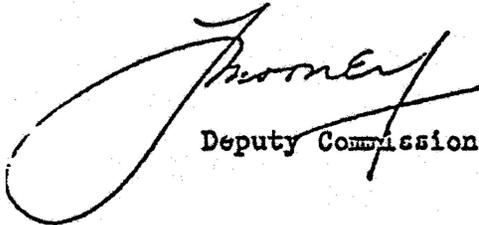
Contributions made to you are deductible by individual donors in arriving at their taxable net income in the manner and to the extent provided by section 23(o)(1) of the Internal Revenue Code and the corresponding provisions of prior revenue acts.

Your status with respect to Federal employment taxes will be dealt with in a separate communication.

The collector of internal revenue for your district is being advised of this action.

By direction of the Commissioner.

Respectfully,



Deputy Commissioner.