

IUPUI GAC Reviewer Form

Reviewer:

School:

Department:

Email:

Date Reviewed:

Documents Reviewed: Abstract for the *Master of Science in Taxation (MST)* at Indiana University Purdue University Indianapolis (IUPUI).

Summary of Proposal:

1. Are the goals clear and achievable?

Yes.

2. Is the program academically sound?

Please see my comments below.

3. Are faculty resources available to offer this certificate without undercutting other key missions of the unit?

If there are twelve (12) Kelley instructors available to teach required and elective courses in the curriculum,¹ why is there a need for Law School faculty/courses?²

RESPONSE: Of the 12 faculty members, only the full-time tenured faculty and two (or three) adjunct faculty that teach tax courses. This group of faculty is sufficient to teach the tax courses planned, In order to provide flexibility for both students and faculty, select law courses are available as electives. Moreover, tax taught from the law school perspective (case based) differs somewhat from tax taught from an accounting

¹ The Proposal on page 12, lists seven (7) Kelley School of Business Tenure-Track Accounting Faculty, one (1) Program Chair, and four (4) adjuncts.

² Courses taught at the Law School are listed on pages 6 and 10 of the Proposal. The Proposal on page 12 lists Lawrence A. Jegen III, Thomas F. Sheehan Professor of Tax Law and Policy, as "IU School of Law Indianapolis Faculty Who Teach Tax Related Courses".

perspective (that tends to be transaction based). The courses taught in the law school are not new courses but are courses currently offered.

It is unclear if there are adequate faculty resources in the absence of the Law School Faculty (*Proposal page 12*) and the Law School courses (*Proposal pages 6 and 10*).

Response. We already teach these courses with the faculty we currently have available. No new resources are needed. Creation of the MST essentially allows students to obtain the desired credential. In addition, students do not need to meet all of the prerequisites that MSA students must meet. By making these changes, we hope to increase enrollments in the existing courses.

As noted above, the Law School courses (primarily in tax) are currently offered to law students and are available to graduate students in the Master of Accounting program. These courses provide some flexibility for students and scheduling. Over the last 10 years, there have only been a few MSA students that take law courses. We have two full-time tenured faculty members that will be teaching the tax courses as well as several adjuncts that are highly qualified to teach the courses.

In reply to question 5 of this Review, I raise related concerns.

4. Is there overlap, either real or potential, with any other unit that could harm the program or be exploited to help the program?

Please see my reply to question 5 below. It is unclear whether there has been any coordination with the Law School faculty or Administration regarding overlap or regarding "approvals" for MST students to take Law School courses.

Response. The Kelley School has a long-standing relationship with the Law School. There currently exists a joint JD-MBA program. In addition, outside of this official program Law School students often take business courses as electives. Over the 28 years that Professor Kulsrud has been at IUPUI, he has had several Law School students in his classes. Similarly, graduate business students also make take Law School courses. As noted above, we have had a few MSA students take courses in the Law School. Those students receive approval from Kelley and then fill out the proper paperwork at the Law School to receive approval from the Law School professor. Professor Jegen has had a few MSA students in his classes since inception of the MSA program in 1998. There are others such as a student who took the course on will and trusts in the Law School. Students who are admitted to the graduate accounting programs are required to take the GMAT and get a score essentially equivalent to the LSAT score needed to be admitted to the Law School. Moreover, if there is any question about whether the student may have difficulty in taking a course a course in the Law School, we reserve the right not to approve.

5. My recommendation, comments/concerns regarding this proposal.

(a) Comment re Indiana University School of Law – Indianapolis Tax Courses

- i. The Proposal states that “In addition to the tax courses offered by the Kelley School, MST students could, with approval, take tax courses at the Indiana University School of Law Indianapolis.”³ The Proposal then lists such courses taught at the Law School⁴, and lists Lawrence A. Jegen III, Thomas F. Sheehan Professor of Tax Law and Policy as “IU School of Law Indianapolis Faculty Who Teach Tax Related Courses.” (*Proposal page 12*)
- ii. Who is authorized to approve students in the degree program to take courses at the Indiana University School of Law–Indianapolis? Has approval been sought and received by the Law School for this cross-registration? It could be the case that Vice Dean Paul Cox of the Law School or Dean Gary Roberts would be appropriate persons to address this, if they haven’t addressed it already. Perhaps the matter would be referred to the Law School’s Curriculum Committee.

Response. As noted above, Law School students have been taking business courses and business students have been taking law courses on a case by case basis since 1979 (and perhaps before). The business student seeks approval from the Law School professor and this is subsequently approved by the Law School administration (Susanah Mead’s office). It has never presented any difficulties. We expect to continue the practice. Both schools

³ On page 7 of the Proposal, in a section entitled “MST Curriculum” (and repeated on page 9 of the Proposal in a section entitled “Describe the proposed curriculum”), the following full paragraph appears:

“In addition to the tax courses offered by the Kelley School, MST students could, with approval, take tax courses at the Indiana University School of Law Indianapolis. See Exhibit 1 for descriptions of the tax courses used to support the MST offered by Kelley Indianapolis.”

Exhibit 1, on pages 22 – 23 of the Proposal, provides as follows:

“The following are course descriptions for tax already used in the Kelley Indianapolis MSA program. Course descriptions follow the listing of courses. In addition to the tax courses offered by the Kelley School, MST students could, with approval, take tax courses at the Indiana University School of Law Indianapolis.”

⁴ On page 6 and repeated on page 10 of the Proposal, a table of “MST Coursework” provides, *inter alia*:

Other Potential Elective Tax Courses
<i>Courses in the IU School of Law Indianapolis</i>
DN648 Income Taxation of Individuals, Fiduciaries, and Business Associations (4 cr.)
DN730 Taxation of Partnerships and Partners (2 cr.)
DN725 Taxation of Transferors, Fiduciaries, and Beneficiaries (3 cr.)
DN805 State and Local Taxation (2 cr.)
DN854 Seminar in Business and Estate Planning (2 cr.)
DN869 Taxation of Corporations and Shareholders (2 cr.)
DN893 Tax Procedure (2 cr.)
DN722 Trusts and Estates (3 or 4 cr.)
DN619 Debtor-Creditor Relations (3 cr.)
DN846 Corporate Reorganization and Bankruptcy (2 cr.)

have found it beneficial. As a practical matter, we expect that the number of MST students taking law courses will be negligible because there will be sufficient tax courses in the business school to take. However, in some situations, the student may have a scheduling difficulty (want a day class) or may have a particular interest where a Law School course would serve a useful purpose. For example, a student who is interested in estate planning might want to take the nontax wills and trusts course in the Law School and take a charitable giving course from the Center for Philanthropy. Similarly, subject to the approval of the Law School faculty member, a student taking a business tax course on mergers and acquisitions and a business finance course on corporate restructurings may find it beneficial to take a Law School course on securities regulations. Depending on the student's particular tax interest, we might use different resources available on campus. The understanding between the MSA program and the Law School assumes that MSA (and future MST students) would not take basic law classes (e.g., first year courses).

- iii. Has Professor Jegen been consulted on this proposal? As pointed out, Professor Jegen teaches tax courses. It occurred to me that at the very least, Professor Jegen would need to be consulted before non-Law students are enrolled in his classes. But, I would also think that other procedures at the Law School would need to be followed as well.

Response. We have informed Dean Roberts and Susanah Mead about our proposed MST and they have acknowledged it. Moreover, the Law School is in the process of hiring two new tax faculty and both Dean Roberts and Mead indicated that the proposed MST program might be useful in the recruiting process. In the future, it would not be unusual to consider some joint graduate tax program such as the University of Denver and Villanova currently have. As noted above, Professor Jegen has had MSA students in his tax classes since inception of the MSA program. He has not been consulted directly on the creation of the MST program. However, as indicated above, we do not expect anything to change because we believe that only a few students will be taking the Law School courses. However, we have mentioned the possibility of an MST to Professor Jegen from time to time over the last 25 years, and he was generally supportive.

- iv. If the viability of MST Proposal depends on the Law School faculty or courses, I would like to know that all appropriate coordination has been done with the Law School. If the viability of the MST Proposal does not depend on the Law School faculty or courses, I would question why the Law School faculty and/or courses are listed in the Proposal.

Response. The viability of the program does not depend on the Law School. The Law School tax courses are listed as possible electives. Individuals interested in tax might find that the ability to take Law School courses is attractive. Our tax faculty, both of whom have their doctorate in accounting from the University of Texas, took several courses in the University of Texas Law School and found that experience extremely beneficial. The Law School courses do provide some flexibility for students who might

like to take a course during the day since all of our courses will be offered in the evening. However, we have had very few MSA students take advantage of the opportunity.

(b) Comment re courses with same or similar names in Kelley School & Law School

- i. Some of the "Other Potential Elective Tax Courses" offered by the IU School of Law-Indianapolis have names identical to or very similar to courses listed in "Core Courses" and "Electives" . For example, I refer to "State and Local Taxation", which is identically titled in the Law School list and the list of Electives. (*Proposal pages 6 & 10*). Also, Partnerships and Corporate Tax courses have similar titles in the different categories. (*Proposal pages 6 & 10*) Do the non-Law School courses contain the same material as the Law School courses with identical/similar titles?

Response. This is an excellent observation. Although the courses may have the same name, they are taught much differently and do not necessarily contain the same information. In addition, the depth may be much different. A 1.5 hour course in state and local taxation may be much different than a 3-4 hour course in the same subject. The Law School provides more of a legal perspective (case based approach), while the business courses have a more quantitative nature. Over the years, we have had students taking the same course in the Law School and the business school and they have remarked that the courses are significantly different. To a certain extent, we would encourage students to take one or two Law School courses, if nothing more than to have the legal approach and to have Professor Jegen. This approach is currently adopted in Bloomington.
