Policy 2.149
Tax - General Information

Responsible Official: VP for Finance
Administering Division/Department: Controller’s Office
Effective Date: September 1, 2008
Last Revision: August 25, 2008

I. Overview

The responsibilities of the Tax Office within the Emory University Office of the Controller include providing current, centralized knowledge of federal, state, and international tax law, development of appropriate policies and procedures to ensure compliance with tax rules and regulations and to consider tax strategies to minimize yet fairly pay and report all tax liabilities. These objectives must be met to protect the integrity and tax exempt status of the University.

These responsibilities are fulfilled by the successful execution of the following objectives:

- Monthly analysis and reconciliation of general ledger accounts
- Review of newly created accounts
- Coordination with the Office of General Counsel
- Ongoing interaction with other areas with the Finance Division
- Communication with departments, schools and affiliates of the University
- Continuing education in areas of tax law impacting colleges and universities
- Stay current in knowledge with daily notifications of new issues from the Internal Revenue Service, Social Security Administration, the National Association of College and University Business Officers and other knowledgeable sources.

II. Applicability

This policy applies to all tax-related activities at the University.

III. Policy Details

2.149.1 Tax Exempt Status
2.149.2 U.S. Residency Certification
2.149.3 Requests for Form W-9
2.149.4 Tax Returns
2.149.1 Tax Exempt Status

Emory University is exempt from Federal income tax as an educational institution under section 501(c)(3) of the Internal Revenue Code. University personnel may occasionally receive a request for a "Determination Letter" from the Internal Revenue Service, which documents this exempt status. A copy of this letter can be downloaded from the Emory Finance Web.

Treasury regulations also require certain entities to make publicly available its application for tax exempt status. Because Emory initially qualified for tax exempt status before the inception date of these regulations, it is exempt from this disclosure requirement.

2.149.2 U.S. Residency Certification

Many foreign countries withhold tax on certain types of income paid from sources within those countries to residents of the United States, even though the organization is tax exempt for U.S. income tax purposes. An income tax treaty with a foreign country may reduce or eliminate the tax completely, including Value Added Tax (VAT).

To take advantage of these treaty benefits, the foreign taxing authorities may request Form 6166, a letter of U.S. residency certification from the IRS. This certification must be requested by Emory using Form 8802, Application for United States Residency Certification. The base user fee required for this application is currently $35.00.

Please contact the Controller's Office if needed.

2.149.3 Requests for Form W-9

Organizations remitting funds to Emory for various reasons may ask for a copy of the University’s Form W-9, Request for Taxpayer Identification Number and Certification. The purpose is to supply the tax identification number and certify exemption from income tax withholding. Emory's Form W-9 can be downloaded from the Emory Finance Web.

2.149.4 Tax Returns

Emory annually files Federal Form 990, Return of Organization Exempt from Income Tax, with both the IRS and the Georgia Department of Revenue. To meet reporting requirements for unrelated business income, the University also files Federal Form 990-T, Exempt Organization Business Income Tax Return, and its state counterpart, Georgia Department of Revenue Form 600-T.

Both the Form 990 and Form 990-T are available for public inspection as required by the Internal Revenue Code. These returns are available for a period of three years without charge and are provided upon receipt of request either in person or in writing. Copies are available at the main campus, Oxford campus, and at Emory University Hospital Midtown. Individual or organization requests should be referred to the Office of the Vice President for Finance.

The tax staff is also responsible for several other compliance requirements including sales and use tax, charitable trusts, charitable gift annuities, excise tax, non-cash charitable contributions, and "nonresident alien" compliance for our international students and scholars. Forms received by the University, such as Form 1099 from various income sources and Form K-1 from partnerships and trusts, should be forwarded to the Controller’s Office upon receipt.
2.149.5 Personal Tax Assistance

Emory does not provide personal tax advice to students, staff, or faculty. Helpful information can be found in the following publications provided by the Internal Revenue Service. Contact a professional tax advisor for assistance with personal income tax situations.

- Topical Index to Federal Income Tax Publications
- Your Rights as a Taxpayer
- Your Federal Income Tax
- US Citizens and Resident Aliens Abroad
- Travel, Entertainment, Gift and Car Expenses
- Business Expenses
- Exemptions, Standard Deduction and Filing Information
- Tax Withholding and Estimated Tax
- Moving Expenses
- Charitable Contributions
- Determining the Value of Donated Property
- Tax Sheltered Annuity Programs - 403(b) Plans
- Tax Benefits for Education
- Foreign Tax Credit for Individuals
- Individual Retirement Arrangements
- Taxable and Nontaxable Income
- Guide to Free Tax Services

IV. Definitions

**Determination Letter** – The letter issued by the Internal Revenue Service confirming that it has “determined” that Emory University is tax exempt under Internal Revenue Code section 501(c)(3) and that gifts and contributions received are deductible under tax law.

**Nonresident Alien** - Any individual who is not a citizen or resident of the United States is a nonresident alien individual. A resident alien individual meets either the “green card test” (application for permanent residency) or the “substantial presence test” (a formula based on the number of days present in the U.S.). Any person not meeting either test is a nonresident alien individual.

**Income Tax Treaty** - The principal purpose of an income tax treaty is to reduce or eliminate double taxation of income earned by residents of either country from sources within the other country and to prevent avoidance or evasion of the taxes of the two countries.

**Value Added Tax** - A fee that is assessed against businesses by a government at various points in the production of goods or services, usually any time a product is resold or value is added to it.

V. Related Links and Resources

- Current Version of This Policy: http://policies.emory.edu/2.110
- Controller’s Office: https://www.finance.emory.edu/external/deptpages/ctrl/index.cfm
- Social Security Administration: http://www.ssa.gov
- Georgia Department of Revenue: http://www.etax.dor.ga.gov
State Tax Forms:

Alabama  Georgia  Maryland  New Jersey  South Carolina
Alaska   Hawaii    Massachusetts New Mexico  South Dakota
Arizona  Idaho     Michigan    New York    Tennessee
California  Illinois  Minnesota   North Carolina  Texas
Colorado  Indiana  Mississippi North Dakota  Utah
Connecticut Iowa  Missouri   Ohio        Vermont
Delaware  Kansas  Montana    Oklahoma  Virginia
District of Columbia  Kentucky  Nebraska Oregon
Florida  Louisiana  Nevada    Pennsylvania Washington
Maine    New Hampshire Rhode Island West Virginia
Wyoming

VI. Contact Information

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax-General Information</td>
<td>Controller's Office</td>
<td>404.727.6080</td>
<td><a href="mailto:ctrl@emory.edu">ctrl@emory.edu</a></td>
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VII. Revision History

No previous versions of this policy were found.

The official version of this information will only be maintained in an electronic format. Any and all printed copies of this material are dated as of the date printed. Please make certain to review the material online to verify accuracy.