

Policy 6-403: Residency Determination for Tuition

Purposes

I. Purpose

To establish procedures governing the determination of student residency status for tuition purposes, and provide for administrative review of such determinations.

II. Definitions

"Resident" means a person domiciled in the state of Utah, subject to the rules and standards prescribed in or pursuant to Utah Code Annotated [53B-8-102](#) (amended 1953)

"Nonresident" means a person who is not qualified for resident status pursuant to Utah Code Annotated, [53B-8-102](#), as amended, and implementing rules and regulations.

"Residency officer" means an officer, ordinarily employed in the admissions office, who has been designated by the Vice President of student affairs to make residency determinations on behalf of the university.

III. Policy

A. Initial Classification

1. All student classifications in "resident" or "nonresident" status shall be made in accordance with the standards and rules specified in Utah Code Annotated 1953, [53B-8-102](#) as amended from time to time.
2. The university's admission office will classify all student applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant will ordinarily be classified as a nonresident.

B. Application for Re-Classification

1. A student classified as a nonresident shall retain that status and must pay nonresident tuition charges until he or she is officially re- classified to resident status.
2. A student classified as a nonresident must make a written application to the admissions office to initiate a change to resident classification. These applications may be obtained from the admissions office.
3. Upon consideration of said application, the residency officer will notify the student applicant of the initial decision.
4. If the student's application for re-classification is denied, the student shall have the right to meet with the residency officer for the purpose of submitting additional information and having his/her application reviewed. The residency officer shall within a reasonable time notify the student (orally or in writing) of the final decision on the application.

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Appeals Procedure

A. Residency Appeals Committee

1. The residency appeals committee is composed of five persons who shall be designated annually, prior to July 1, to serve during the following year:

- a. The Vice President of student affairs, or designee, shall serve ex officio as chairperson.
 - b. Two members of the faculty shall be appointed by the president from a list of not less than three nominees submitted by the Personnel and Elections Committee of the Academic Senate.
 - c. Two students enrolled in the university shall be appointed by the president from a list of not less than three nominees submitted by the president of ASUU pursuant to applicable ASUU procedures.
 - d. The University Counsel will provide legal advice to the committee, but does not sit or vote as a member thereof.
2. The committee shall have jurisdiction to hear any and all matters regarding residency decision of the residency officer.
 3. Three members of the committee shall constitute a quorum. All committee matters and decisions must be approved by a majority of a quorum.
 4. The committee shall meet as often as it determines is necessary in order to execute its functions.

B. Appeals Procedure

1. Written notice of appeal must be given to the residency appeals committee, at the office of the Associate Vice President of student affairs, not later than 10 days following the receipt of written notification from the residency officer that the application for re-classification or for residency status has been denied.
2. In the notice of appeal, the applicant may request a full oral hearing before the committee, or may submit the evidence and argument in writing not more than 10 days after filing the notice of appeal.
3. In considering the appeal:

- a. The committee shall not be restricted by formal rules of evidence but may receive and consider any probative evidence submitted to it.
 - b. The student applicant may be represented by an attorney or any other person of his/her choice.
 - c. The student applicant may submit documentary evidence in any appropriate form, and if an oral hearing is held, may produce and examine witnesses in his/her behalf.
 - d. The student applicant may cross-examine any adverse witness testifying at the hearing.
 - e. There shall be no remuneration by the university for expenses incurred by the student applicant or witnesses in attending the hearing.
4. The committee shall make an independent determination of the issues presented upon the basis of such oral and written proof as may be presented and shall finally determine the status of the applicant. The final decision of the committee shall exhaust the student's administrative remedies.
 5. The committee shall give or send to the student applicant a written statement of its decision and the basis therefor within a reasonable time after the conclusion of the presentation of evidence.
 6. A ruling favorable to the applicant shall be retroactive to the beginning of the academic period during which resident status was determined to have existed, and the university will refund the nonresident portion of any tuition charges paid after that date.

V. Contacts

The designated contact officials for this Policy are:

- A. Policy Owner (primary contact person for questions and advice): Vice President for Student Affairs.
- B. Policy Officers: Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... ." University Rule 1-001-III-B & E

Approved: Institutional Council 6/9/80

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