

Title/Subject: **RESIDENT STATUS POLICY**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: June 1, 2008

Contact for More Information: President's Office

Board Policy Administrative Policy Procedure Guideline

BACKGROUND:

Central Michigan University has a commitment to the resident taxpayers of the State of Michigan to provide educational opportunity at lower tuition rates than those charged to non-residents. Therefore, there are two general tuition rates for persons enrolled in programs through the main campus: one for Michigan residents and a higher one for non-residents.

PURPOSE:

This policy is designed to explain how a student may demonstrate the required intent and establishment of a domicile in Michigan.

DEFINITIONS:

For the purposes of determining resident status by CMU, "domicile" is defined as the place where an individual intends his/her true, fixed and permanent home and principal establishment to be, and to which the individual intends to return whenever he or she is absent.

POLICY:

An individual whose activities and circumstances, as documented to the University, demonstrate that he or she has established a domicile in Michigan and intends to be domiciled in Michigan will be eligible for classification as a resident. An individual whose presence in the state is based on activities or circumstances that are indeterminate or temporary, such as (but not limited to) educational pursuits, will be presumed not to be domiciled in Michigan. The burden of proof is on the applicant to demonstrate with clear and convincing evidence that he or she is eligible for resident classification under this policy. To overcome a presumption of non-resident status, a student must file a properly completed Application for Resident Status and document with clear and convincing evidence that a Michigan domicile has been established. Furthermore, the University reserves the right to audit enrolled or prospective students at any time with regard to eligibility for resident classification and to reclassify students who are registered under an improper resident status.

Determining Resident Status

A student's status as a resident or non-resident is established based upon the domicile of the student. The circumstances and activities to be considered in determining a student's domicile are set forth below:

Authority: M. Rao, President
History: March 15, 2006, March 28, 2008
Indexed as: Resident Policy; residency; change of residency

Title/Subject: **RESIDENT STATUS POLICY**

A. Resident Status

1. A student who is a dependent of parents who have established Michigan as their domicile will be classified as a resident for tuition purposes.
2. A student 18 years or older who has attained independent status may be classified as a resident for tuition purposes if the student:
 - a. documents one year of continual physical presence in the state as one of the criteria for determining eligibility for resident status, as described in Subsection C., below, and,
 - b. demonstrates by clear and convincing evidence that the student has established Michigan as his or her domicile and intends to make Michigan the student's permanent home, each independent of the student's attendance at CMU.

B. Non-Resident Status

1. Any student under the age of 18 whose parents have not established Michigan as their domicile is presumed to be a non-resident student.
2. Any student over the age of 18 who is financially dependent on parents who have not established Michigan as their domicile is presumed to be a non-resident student.

C. Physical Presence in Michigan

1. Generally, an individual must document one year of continual physical presence in the state as one of the criteria for determining eligibility for resident status. The year to be documented will be one year immediately preceding the first day of classes of the term in question. The year of continuous presence is never the only criterion used for determining resident eligibility and, in itself, will not qualify a student for resident status.
2. If the one year resident requirement is fulfilled while a student is enrolled in this University or another institution of higher education, it is presumed that this student has not established domicile in the State of Michigan. However, if substantial information exists (see below for other factors) which clearly demonstrates the establishment of a Michigan domicile, the individual may be immediately eligible for resident status prior to the passage of one year.

D. Circumstances and Activities Which Lend Support to a Claim of Michigan Resident Status

The following circumstances and activities, though not conclusive or exhaustive, may lend support to a claim that a student has established Michigan as the student's domicile and intends to make Michigan the student's permanent domicile.

Title/Subject: **RESIDENT STATUS POLICY**

1. A person appointed to a regular full-time position at the University (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a Michigan resident for tuition purposes.
2. A non-resident transferred to Michigan for employment purposes (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a Michigan resident for tuition purposes.
3. A student who is married (or a same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office) to a person who is classified as a Michigan resident will be classified as a Michigan resident for tuition purposes.
4. A student who has a parent or grandparent who graduated from Central Michigan University will be classified as a Michigan resident for tuition purposes.
5. A student who graduated from CMU will be classified as a Michigan resident for tuition purposes.
6. Migrant status. Michigan migrants are defined as individuals who have made their livelihood in seasonal work in the State of Michigan and have traveled interstate for this purpose. Migrant students will meet the residency requirement if they, or their parents or legal guardians, were employed for at least two months during each of three of the preceding five years as migrant workers in Michigan. Appropriate evidence may be used by migrant workers to prove they satisfy this criterion.
7. Additional Circumstances and Activities:
 - a. Continuous presence in Michigan during periods when not enrolled as a student.
 - b. Reliance upon only Michigan sources for financial support.
 - c. Domicile in Michigan of family, guardian or other relatives or persons legally responsible for the student.
 - d. Former domicile in the State of Michigan and maintenance of significant connections therein while absent.
 - e. Ownership of a home in Michigan if purchased without support from non-Michigan sources.
 - f. Admission to and full-time practice of a licensed profession in Michigan.
 - g. Permanent, full-time employment in Michigan provided that the applicant's employment is the primary purpose for the applicant's presence in Michigan.
 - h. Spouse's full-time, permanent employment in the state, provided that the spouse's employment is the primary purpose for the student's presence in Michigan.

In classifying an individual as a resident, the University will consider other circumstances and activities which indicate an intent by the individual to make Michigan the individual's domicile or which indicate that the individual has made Michigan his or her domicile.

Title/Subject: **RESIDENT STATUS POLICY**

E. Circumstances and Activities Which Generally Lend No Support to a Claim of Michigan Resident Status

The following circumstances and activities are temporary and indeterminate and, in and of themselves, do not demonstrate a permanent domicile in Michigan:

1. Voting or registration for voting in Michigan.
2. Possession of a Michigan driver's license.
3. Employment that is temporary or short-term.
4. Employment in a position normally held by a student.
5. Ownership of a Michigan home if purchased with support from non-Michigan sources.
6. The lease of living quarters.
7. Payment of Michigan income or property taxes.
8. Financial hardship of the student caused by having to pay a higher tuition rate, or by any other reason.
9. The applicant's statement of intent to be domiciled in Michigan.
10. Presence in Michigan while in attendance at CMU or another institution of higher education.

F. Non-Citizens Lawfully Admitted to the United States

(Lawful admission status is determined by the Director of the Office of International Education, or designee):

1. A non-citizen of the United States (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be eligible for classification as a Michigan resident for tuition purposes, if such person has an appropriate, current visa, and meets the requirements for Michigan resident status specified in this policy.
2. A non-citizen transferred to Michigan for employment purposes (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a Michigan resident for tuition purposes, if such person has an appropriate, current visa, and meets the requirements for Michigan resident status specified in this policy.
3. A non-citizen appointed to a regular full-time position at CMU (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a Michigan resident for tuition purpose, as long as such person meets the requirements for Michigan resident status specified in this policy.

Title/Subject: **RESIDENT STATUS POLICY**

4. A non-citizen student who has a parent or grandparent who graduated from Central Michigan University will be classified as a Michigan resident for tuition purposes, if such person has an appropriate, current visa.

G. Active Duty Members of the Armed Forces

1. A student who is an active duty member of the armed forces of the United States (Member), or the Member's spouse or dependent, will be classified as a Michigan resident for tuition purposes if he/she enrolls at CMU while the Member is stationed in Michigan or if the Member is a Michigan resident and has not established residency in another state;
2. Once a person described in (1) above qualifies for classification as a Michigan resident for tuition purposes, he/she will continue to qualify as long as the student is continually enrolled in the current degree program at the university;
3. A person who was a Member as described in (1) above who enrolls immediately upon discharge from military service and continues to live in Michigan, will be classified as a Michigan resident for tuition purposes;
4. A spouse or dependent of a Member will be classified as a Michigan resident for tuition purposes if the Member is transferred from a duty location within Michigan to one outside of Michigan within one year preceding the student's initial enrollment and the student continues to live in Michigan.

PROCEDURE:

Procedure to Determine Resident Status

The procedure for determining resident status for an individual is as follows:

A. Undergraduate Students at Time of Admission

1. The Director of Admissions, or designee, shall determine the initial resident status of new undergraduate students.
2. If an individual disagrees with the initial decision of the Admissions Office, that individual must file a properly completed Application for Resident Status with the Registrar's Office. The Application for Resident Status must be received before the seventh day after the first day of classes during the semester or term in which the individual is first enrolled at CMU. The Registrar's Office shall consider the Application for Resident Status and provide the individual with a written decision. If the individual continues to disagree with that decision, the individual may file an appeal following the procedures set forth in Subsection D, below.

B. Graduate Students at Time of Admission

1. The Dean of the College of Graduate Studies, or designee, shall determine the initial resident status of new graduate students prior to the first registration.
2. If an individual disagrees with the initial decision of the College of Graduate Studies, that individual must file a properly completed Application for Resident Status with the Registrar's Office. The Application for Resident Status must be received before the seventh day after the first day of classes during the semester or

Title/Subject: **RESIDENT STATUS POLICY**

term in which the individual is first enrolled at CMU. The Registrar's Office shall consider the Application for Resident Status and provide the individual with a written decision. If the individual disagrees with that decision, the individual may file an appeal following the procedures set forth in Subsection D, below.

C. All Students Requesting a Change in Resident Status

The procedure for determining whether a non-resident student has acquired Michigan resident status is as follows:

An individual must file a properly completed Application for Resident Status with the Registrar, or designee. The Application for Resident Status must be received before the seventh day after the first day of classes during the semester or term in which the student is seeking the resident status. The Registrar, or designee, shall consider the Application for Resident Status and provide the individual with a written decision. If the individual disagrees with that decision, the individual may file an appeal following the procedures set forth in Subsection D, below.

D. Appeal Process

If an Application for Resident Status is denied, the individual may request that his or her Application for Resident Status be reviewed by the Resident Status Appeal Committee. The following procedures shall apply:

1. The Resident Status Appeal Committee shall be composed of the Director of Admissions, the Registrar, the Director of International Education, the Dean of Students, and the Dean of the College of Graduate Studies, or their respective designees. At least three of these individuals must participate in an appeal. The decision of the majority of those participating in the appeal shall be conclusive.
2. The appeal must be made in writing and must be received by the Student Ombuds Officer within fourteen (14) calendar days of the date of the denial letter. If the deadline falls on a weekend or a University holiday, it will be extended to the next business day.
3. All contact with the Resident Status Appeal Committee must be in writing, unless otherwise requested by the Committee. An individual who wishes the Committee to consider information in addition to that provided with the Application for Resident Status must submit that additional information to the Resident Status Appeal Committee, in writing, with the appeal request.
4. In its sole discretion, the Resident Status Appeal Committee shall have the right to request that the individual provide the Resident Status Appeal Committee such additional information and/or documentation as it deems appropriate, including meeting with the Resident Status Appeal Committee.
5. The burden of proof is on the individual to demonstrate with clear and convincing evidence that he or she is eligible for a change in resident status because he or she intends to be domiciled in Michigan and has, in fact, established a domicile in Michigan.
6. After the individual has submitted all requested information, the Resident Status Appeal Committee will review the individual's appeal. The individual will receive a written decision from the Resident Status Appeal Committee when the review is complete.

Title/Subject: **RESIDENT STATUS POLICY**

7. Once the Resident Status Appeal Committee issues its decision, there are no further appeals for the semester or term covered by the Application for Resident Status.

Central Michigan University reserves the right to make exceptions to, modify or eliminate this policy and or its content. This document supersedes all previous policies, procedures or guidelines relative to this subject.