

West Virginia Northern Community College

RESIDENTS AND NON-RESIDENTS FOR ADMISSION AND FEE RULE

Effective Date: December 6, 2005

Date Approved by WVNCC Board of Governors: December 6, 2005

Authority Reference: WV Code 18B-1-6 and 18B-10-1

Replaces previous policy dated:

Rule: This rule addresses the classification of residents and non-residents for admission and fee purposes and also addresses the appeal procedures for residency classification.

SECTION 1. Classification for Admission and Fee

Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition and fee purposes. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The Enrollments Management and/or Records Office is authorized to require such written documents, affidavits, verifications or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition and fee purposes is upon the student.

If there is a question as to domicile, the matter must be brought to the attention of the Enrollments Management and/or Records Office at least two weeks prior to the deadline for the payment of tuition and fees. Students found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident tuition and fees for each academic term theretofore attended.

The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts, the prior judgment shall be given strong

consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

SECTION 2. Residence Determined by Domicile

Domicile within West Virginia means adoption of West Virginia as the fixed permanent home and involves personal presence within West Virginia with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in West Virginia for admission or fee payment purposes.

West Virginia domicile may be established upon the completion of at least 12 months of continued presence within West Virginia prior to the date of registration, provided that such 12 months' presence is not primarily for the purpose of attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than 12 months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action.

In determining domicile, institutional officials give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within West Virginia, payment of West Virginia property tax, filing of West Virginia income tax returns, registration of motor vehicles in West Virginia, possession of a valid West Virginia driver's license and/or marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may be used in determining whether or not a domicile has been established.

Factors mitigating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal tax forms or the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states and leaving West Virginia when school is not in session.

SECTION 3. Dependency Status

Dependent students are those who are listed as dependents on the federal or state income tax return of their parent(s) or legal guardian or who receive major

financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, dependent students take the domicile of the parent with whom they live or to whom they have been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in West Virginia for admission or fee payment purposes.

SECTION 4. Change of Residence

Individuals who have been classified as out-of-state students and who seek resident status in West Virginia must assume that burden of providing conclusive evidence that a domicile has been established in West Virginia with the intention of making this state the permanent home. The intent to remain indefinitely in West Virginia is evidence not only by a person's statements, but also by that person's action referenced in Section 2. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

SECTION 5. Military

An individual who is on full-time active military service in another state or a foreign country or who is an employee of the federal government shall be classified as an in-state student for the purpose of payment of tuition and fees, providing that the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia and has at no time while in federal services claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse or dependent children for such individual shall also be classified as in-state students for tuition and fee purposes.

Persons assigned to full-time active military service in West Virginia and residing in West Virginia shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

SECTION 6. Aliens

Aliens who are in the United States on resident visas or who have filed petitions for naturalization in the naturalization court and who have established bona fide domiciles in West Virginia as defined in Section 2 may be eligible for in-state residency classification, provided that they are in West Virginia for purposes other than to attempt to qualify for residency status as a student. Political refugees admitted into the United States for an indefinite period of time and without restriction on the maintenance of a foreign domicile may be eligible for an in-state classification as defined in Section 2. Individuals holding a student or other temporary visa may not be classified as in-state students.

SECTION 7. Former Domicile

Individuals who were formerly domiciled in the State of West Virginia and who would have been eligible for an in-state residency classification at the time of departure from West Virginia may be immediately eligible for classification as West Virginia residents provided they return to West Virginia within a one-year period of time and satisfy the conditions of Section 2 regarding proof of domicile and intent to remain permanently in West Virginia.

SECTION 8. Appeal Process

The decision of the record's office may be appealed to the Dean of Enrollments Management. Within ten working days of the receipt of the letter from the records office denying residency status, the student must present in writing an appeal to the Dean of Enrollments Management for reconsideration of residency status. This appeal should include any additional supporting documents the student wishes to present.

The Dean of Enrollments Management shall issue a written decision to the student within 5 working days of receipt of the student appeal.

If the student is not satisfied with the decision of the Dean of Enrollments Management, the student may appeal to the Residency Appeals Committee. The composition of the Committee is described below. Appeal to the Residency Appeals Committee must be made within 10 working days. The student contesting the residency decision shall be given the opportunity to appear before the Residency Appeals Committee. If the appellant cannot appear when the committee convenes a meeting, the appellant has the option of allowing

committee members to make a decision on the basis of the written materials pertaining to the appeal or waiting until the next committee meeting. The Committee will issue a written decision within 5 days of the meeting to consider the appeal.

Institutional Residency Appeals Committee

The Institutional Residency Appeals Committee shall be established consistent with CCTCE Series 25, Section 9.1.1.1. Student representatives to the committee shall be appointed by the president of the Tri-Campus Student Senate. The faculty representatives shall be selected by the faculty senate. At its initial meeting, the committee will select a chairperson from among the faculty representatives.

If the student is not satisfied with the decision of the Committee, the student may file a written appeal to the President of the College within five working days of receipt of the Committee decision.

The residency appeal process shall end at the institutional level.