

# Utah Tech University Policy

## 503: Qualifications for Residency



- I. Purpose
- II. Scope
- III. Definitions
- IV. Policy
- V. References
- VI. Procedures
- VII. Addenda

### I. Purpose

- 1.1 To describe the residency qualifications for tuition purposes at Utah Tech University (“the University”).

### II. Scope

- 2.1 Applies to any student seeking to be granted residency tuition reclassification.

### III. Definitions

- 3.1 **Resident:** Describes a person living in the state of Utah, subject to the rules and standards prescribed in or pursuant to Utah Code Annotated 1953 §53B-8- 102 as amended from time to time and Utah Board of Higher Education (UBHE) Policy R512 Determination of Resident Status.
- 3.2 **Non-resident:** Describes a person who is not qualified for resident status in the state of Utah, pursuant to the rules and standards prescribed in or pursuant to Utah Code Annotated 1953 §53B 8 102 as amended from time to time and UBHE Policy R512 Determination of Resident Status.
- 3.3 **Residency Officer:** An employee in the Registrar’s office designated by the Provost/Vice President of Academic Affairs to make residency determinations on behalf of the University after initial classification by the Admissions Office.

### IV. Policy

- 4.1 Initial Classification
  - 4.1.1 All University student applicants will be classified as having

“Resident” or “Non-resident” status at the time of admission or re-admission. Such determinations 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 and Utah Board of Higher Education policy R512 Determination of Resident Status.

- 4.1.2 Students who graduated from high schools outside the state of Utah are automatically classified as Non-resident.
- 4.1.3 Students whose residency status is not clear will be classified as Non-resident.

#### 4.2 Application for Reclassification

- 4.2.1 Students classified as Non-resident shall retain that status until an official reclassification to Resident status is implemented.
- 4.2.2 Students classified as Non-residents are charged Non-resident tuition until the student has been awarded residency for tuition purposes.
- 4.2.3 The burden is on the student to prove they are eligible for Resident student status prior to the deadline of the term for which the student seeks to attend as a Resident student.
- 4.2.4 The Utah Board of Higher Education Policy R512 Determination of Resident Status lists residency requirements, definitions, exemptions, and acceptable documentary evidence.

#### 4.3 Reclassification Process

- 4.3.1 Residency reclassification applications must be submitted in accordance with the dates published on the Academic Calendar. A student shall be required to submit any or all of the verifying documentation within the residency application timeline. Residency reclassification cannot be applied to a previous semester.
- 4.3.2 Residency reclassification applications are reviewed by the Residency Officer in accordance with state residency guidelines outlined in UBHE Policy R512. Reclassification determinations are made by the end of the 3<sup>rd</sup> week of each semester. If the application is denied, the student shall have the right to contact the Residency Officer within seven (7) calendar days of the decision notification being sent for the purpose of reviewing the application and submitting additional information. After considering the evidence

and any additional information, the Residency Officer shall notify the student in writing via the student's University email address of the final decision regarding residency status. This notification will be sent to the student no later than three (3) University Business Days from the date the student contacted the Residency Officer.

4.3.3 If the Residency Officer denies a student's initial application, the student has the right to submit a written appeal to the Residency Appeals Committee within seven (7) calendar days of the date of the final decision notification as outlined in Section 4.4.

4.3.4 Summer term residency reclassification for graduate students will follow the dates on the Academic Calendar.

#### 4.4 Appeals

4.4.1 In accordance with UBHE Policy R512, students may appeal a residency reclassification decision.

4.4.2 Students may appeal to the Residency Office within seven (7) calendar days of the Residency Officer's final decision notification.

4.4.3 Appeals of final decisions submitted after the appeal deadline will be denied without a hearing unless evidence and documentation of extenuating circumstances is provided within seven (7) calendar days of the denial.

4.4.4 (the "Committee") The Residency Appeals Committee shall meet no later than the 5<sup>th</sup> week of the traditional Fall and Spring semesters. The student's written appeal should include an explanation of the student's extenuating circumstances supporting the appeal. Extenuating circumstances can include, but are not limited to, the student's hospitalization, illness, or need for an accommodation based on a disability, etc.

4.4.5 Students may attend the hearing in person or provide documentation to the Residency Officer by the required deadline for the Residency Appeals Committee to consider.

4.4.6 In instances where the student appears at the hearing in person, the student shall have a right to be accompanied by any person as an advisor. The advisor will be permitted to attend, but not directly participate in, the proceedings.

4.4.7 The student may submit documentary evidence in any appropriate

form and may produce and/or examine witnesses on the student's behalf. The student may cross-examine any other witnesses testifying at the hearing.

- 4.4.8 The Residency Appeals Committee (the "Committee") shall be chaired by a non-voting faculty member, and shall be comprised of faculty, staff, and students. A quorum shall be four (4) voting Committee members, and Committee decisions are based on a majority vote. In case of a tie, the non-voting Chair shall issue a deciding vote.
  - 4.4.9 The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing, in accordance with the standards set forth in the Utah Code Annotated 1953 §53B-8-102 (as amended) and UBHE Policy R512 Determination of Resident Status. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.
  - 4.4.10 Hearings shall be closed to the public, and no recording or transcript shall be made. Committee deliberations and voting shall take place in closed session.
  - 4.4.11 If the student fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available evidence.
  - 4.4.12 Not later than seven (7) calendar days after the hearing, the Committee Chair shall notify the student in writing via the University email of the Committee's decision, which shall be final, thereby exhausting the student's administrative remedies on the matter.
  - 4.4.13 A student whose appeal has been denied may reapply for reclassification the following semester.
- 4.5 Retroactive Reclassification
- 4.5.1 A Committee ruling favorable to the applicant (e.g., a determination that the student should be reclassified as a Resident) shall be retroactive to the beginning of the semester in which the most recent application for reclassification and supporting documentation was received.

- 4.5.2 In such cases, the University will reverse the Non-resident portion of any tuition charges paid after the date of that application for reclassification, which shall be the limit of the University's obligation in the matter.
- 4.5.3 No late fees or other penalties shall be refunded. Any such fees and/or expenses shall remain the responsibility of the student. Neither the University nor the Committee will reimburse the expenses of any student participating in the appeals process, regardless of the final determination.

## **V. References**

- 5.1 [Utah Board of Higher Education Policy R512](#)
- 5.2 [Utah State Residency Law – Utah Code Title 53B Chapter 8 Section 102](#)

## **VI. Procedures –N/A**

## **VII. Addenda –N/A**

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Policy Owner: Provost and Vice President of Academic Affairs

Policy Steward: Senior Associate Provost for Academic Success/Registrar's Office

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