

# Snow College Residency Policies

## SECTION 5R. RESIDENCY.<sup>1</sup>

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### SECTION 5R.1. GENERALLY.<sup>2</sup>

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#### 5R.1.1. SCOPE.

Section 5R covers residency statuses and the policies and procedures surrounding those statuses. Therefore, this section does not cover any policies or procedures pertaining to waivers and scholarships.

#### 5R.1.2. INTENT.

Snow College's residency policy enforces Utah Code Ann. §53B-8-102, Definition of Resident Student, and the Board of Regents' policy R512, Determination of Resident Status. Snow College's residency policy should be read in conjunction with them.

#### 5R.1.3. RECIPROCITY WITH USHE INSTITUTIONS.<sup>3</sup>

Snow College will honor another Utah System of Higher Education (USHE) institution's residency determination, unless:

1. The student obtained resident status under false pretenses; or
2. The facts existing at the time of the granting of resident student status have significantly changed.

### SECTION 5R.2. DEFINITIONS.<sup>4</sup>

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Snow College incorporates the definitions in USHE policy R512. Snow provides the following definitions, some of which come directly from R512, to help interpret its residency policy.

**“Continuous Utah residency for one full year.”**<sup>5</sup> Means residing in Utah for 12 continuous months prior to the term for which resident student status is being sought.

**“Domicile.”**<sup>6</sup> For the purposes of residency, “domicile” shall be defined consistent with general Utah law defining domicile, and, for purposes of determining a student's resident status, shall be determined by the student's:

- (1) Bodily presence in Utah; and

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<sup>1</sup> Residency policy approved by Board of Trustees Nov. 5, 2015.

<sup>2</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>3</sup> R512-4.8 (Nov. 2014).

<sup>4</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>5</sup> R512-3 (Nov. 2014).

<sup>6</sup> R512-3 (Nov. 2014).

(2) Current intent to reside permanently in Utah.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her permanent home. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

**"Eligible person."**<sup>7</sup> Means an individual entitled to benefits under Title 38 U. S. Code Chapter 30 Montgomery GI Bill- Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program, but is not a "Military servicemember" or "Military veteran", or their "Immediate family member."

**"Immediate family member."**<sup>8</sup> Means an individual's spouse or child.

**"Indicia of Utah domicile."** Means Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

**"Military service-member."**<sup>9</sup> Means:

1. an individual who is serving on active duty in the United States Armed Forces within the state of Utah;
2. an individual who is a member of a reserve component of the United States Armed Forces assigned in Utah; or
3. an individual who is a member of the Utah National Guard.

**"Military veteran."**<sup>10</sup> Means an individual who:

1. has served on active duty:
  - a. in the United States Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or
  - b. in the National Guard and has been separated or retired with an honorable or general discharge; or
2. incurred an actual service-related injury or disability in the line of duty, regardless of whether that person completed 180 days of active duty, and was discharged because of that injury or disability.

**"Nonresident."** Means a person who is not domiciled in Utah or does not fit into one of the exemptions leading to nonresident exempt status.

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<sup>7</sup> R512-3 (Proposal for May 2015).

<sup>8</sup> R512-3 (Nov. 2014).

<sup>9</sup> R512-3 (Nov. 2014).

<sup>10</sup> R512-3 (Nov. 2014).

**“Nonresident exempt status.”** Means the condition of being exempt from paying the nonresident portion of tuition. That is, it is the condition of being considered a resident student for tuition purposes only. A student who holds this status is not actually a resident of Utah, but is considered as being so for the sake of determining the tuition charged for a semester. A student is granted this status after the student has met the criteria for being considered a “resident student for tuition purposes.”

**“Objective Evidence.”** Means the items included in the following list:

1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the semester for which the student is seeking resident status;
3. A Utah driver’s license or identification card with an issuance date several months prior to the first day of class of the semester for which the student is seeking resident status;
4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the semester for which the student is seeking resident status;
5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the semester for which the student is seeking resident status;
6. Proof of payment of Utah resident income tax for the previous year;
7. Bank statements;
8. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the semester for which the student is seeking resident status; and
9. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the semester for which the student is seeking resident status.

**“Preponderance of the evidence.”**<sup>11</sup> Means the existence of a fact is more probable than its nonexistence.

**“Resident student.”** Means a person Snow College recognizes as being domiciled in Utah.

**“Resident student status.”**<sup>12</sup> Means the condition of being a resident student for tuition purposes.

**“Substantial evidence.”**<sup>13</sup> Means evidence that is more than a mere preponderance and is definite, clear, and convincing.

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<sup>11</sup> R512-3 (Nov. 2014).

<sup>12</sup> R512-3 (Nov. 2014).

<sup>13</sup> R512-3 (Nov. 2014).

## **SECTION 5R.3. RESIDENCY STATUSES.** <sup>14</sup>

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### **5R.3.1. THREE RESIDENCY STATUSES.**

There are three residency statuses at Snow College:

1. Nonresident status;
2. Nonresident exempt status; and
3. Resident student status.

### **5R.3.2. NONRESIDENT STATUS.**

Students will have nonresident status if they (1) have not established their domicile in Utah 12 months prior to the semester for which they seek resident student status, (2) do not satisfy the requirements leading to residency in less than 12 months, or (3) do not meet the criteria for being granted “nonresident exempt status.”

### **5R.3.3. NONRESIDENT EXEMPT STATUS.**

Nonresident exempt status is a special legislatively created status granted to certain nonresidents to exempt them from paying the nonresident portion a postsecondary institution’s tuition. These individuals are nonresidents who have shown that they meet the legislatively mandated criteria for the exemption as outlined below.

### **5R.3.4. RESIDENT STUDENT STATUS.**

Students who have this status are residents of Utah. For educational purposes, an individual is a resident if she or he is a U.S. citizen or has been granted an immigration visa and either:

1. Acquired and maintained their domicile in Utah continuously for the twelve (12) months prior to the semester for which residency student status is desired; or
2. Meet the criteria for acquiring residency quicker than twelve months as outlined below.

## **SECTION 5R.4. ESTABLISHING RESIDENCY.** <sup>15</sup>

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### **5R.4.1. FINANCIAL INDEPENDENCE.**

Except as provided below, a student claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible for resident student status or nonresident exempt status.<sup>16</sup>

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<sup>14</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>15</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>16</sup> Utah Code Ann. § 53B-8-102(3)(c); R512-4.11 (Nov. 2014). An example of students who could be a dependent of a nonresident but still could be granted resident student status is eligible persons.

## **5R.4.2. STUDENTS WHO COME TO UTAH TO ATTEND A USHE INSTITUTION.<sup>17</sup>**

A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the semester the student seeks to attend as a resident student, the student has:

1. maintained continuous Utah residency for one year;
2. submitted a written declaration that the student has relinquished residency in any other state;
3. submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and
4. submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah.

A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has been granted resident status, any future absence from the state will not negatively affect his or her resident status.

## **5R.4.3. STUDENTS RESIDING IN UTAH LESS THAN 12 MONTHS.**

### **5R.4.3.1. Rebuttable Presumption.<sup>18</sup>**

A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months is presumed not to be domiciled in Utah. These students will be classified as nonresident students for tuition purposes. This presumption may be rebutted by substantial evidence.

### **5R.4.3.2. Rebuttal 1. Full-time, Permanent Employment in Utah.<sup>19</sup>**

A student who has come to Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

In addition to objective evidence (as defined above), all relevant evidence concerning the motivation for the move will be considered, including, but not limited to, such factors as:

1. the employee's employment and educational history;

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<sup>17</sup> R512.5 (Nov. 2014).

<sup>18</sup> R512.4.3 (Nov. 2014).

<sup>19</sup> R512.11 (Nov. 2014).

2. the dates when Utah employment was first considered, offered, and accepted;
3. when the person moved to Utah;
4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

#### **5R.4.3.3. Rebuttal 2. Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members.<sup>20</sup>**

A student who resides in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on the long-term health care responsibilities.

In addition to objective evidence (as defined above), all relevant evidence concerning the motivation for the move will be considered, including:

1. the student's employment and educational history;
2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
3. when the student moved to Utah;
4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
6. evidence that the student is an independent person (i.e. at least 24 years of age or not claimed as a dependent on someone else's tax returns); and
7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.

#### **5R.4.3.4. Rebuttal 3. Parent Domiciled in Utah for at Least 12 Months.<sup>21</sup>**

A dependent student who has at least one parent who has been continuously domiciled in Utah for the 12 months prior to the first day of class of the semester for which the student is seeking resident status is eligible for resident student status. The student is responsible to submit evidence of dependency and objective evidence demonstrating that the parent has established domicile in Utah.

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<sup>20</sup> R512.12 (Nov. 2014)

<sup>21</sup> R512.10 (Nov. 2014).

#### **5R.4.3.5. Rebuttal 4. Marriage.<sup>22</sup>**

A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah. This person must provide evidence of the marriage and indicia of Utah domicile.

#### **5R.4.4. MILITARY SERVICE.<sup>23</sup>**

##### **5R.4.4.1. Military Service-members and Their Families.<sup>24</sup>**

Snow College will grant nonresident exempt status to military service-members who provide (1) their current United States military identification card and (2) a statement from their current commander, or equivalent, stating that they are assigned to Utah. Snow will also grant nonresident exempt status to a military service-member's immediate family member who provides:

1. The military service-member's current United States military identification card;
2. The immediate family member's current United States military identification card; and
3. A statement from the military service-member's current commander, or equivalent, stating that the military service-member is assigned in Utah.

##### **5R.4.4.2. Veterans and Their Families.<sup>25</sup>**

Snow College will grant resident student status to veterans and their immediate family members. Snow College will grant this status to veterans, regardless of whether they served in Utah, who provide:

1. Evidence of an honorable or general discharge;
2. A signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere; and
3. One or more indicia of Utah domicile (as defined above) that demonstrates the military veteran's intent to establish residency in Utah.

Likewise, Snow College will grant resident student status to veterans' immediate family members, regardless of whether veterans served in Utah, if the military veterans' immediate family members provide:

1. evidence of the veteran's honorable or general discharge within the last five years;
2. a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and
3. One or more indicia of Utah domicile (as defined above) that demonstrates the military veteran's immediate family member's intent to establish residency in Utah.

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<sup>22</sup> R512.4.5 (Nov. 2014).

<sup>23</sup> R512.6 (Nov. 2014).

<sup>24</sup> R512.6.1.1 – 6.1.2 (Nov. 2014).

<sup>25</sup> R512.6.1.3 – 6.1.4 (Proposed change for May 2015).

#### **5R.4.4.3. Eligible Persons.<sup>26</sup>**

Snow College grants resident student status to eligible persons who provide:

1. evidence of eligibility under Title 38 U. S. Code Chapter 30 Montgomery GI Bill-Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program;
2. a signed written declaration that the eligible person will utilize GI Bill benefits; and
3. One or more indicia of Utah domicile (as defined above) that demonstrates the eligible person's intent to establish residency in Utah.

#### **5R.4.5. INTERNATIONAL STUDENTS.**

##### **5R.4.5.1. International Students with Nonimmigrant Visas.<sup>27</sup>**

Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore will be classified as nonresident.

##### **5R.4.5.2. International Students with Immigrant Visas.<sup>28</sup>**

Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

##### **5R.4.5.3. International Students on Asylum or Refugee Status.<sup>29</sup>**

An international student who has obtained asylum or refugee status under U.S. immigration law will be classified according to the same criteria applicable to citizens as outlined below.

##### **5R.4.5.4. Undocumented International Students.<sup>30</sup>**

Certain undocumented internationals are eligible for nonresident exempt status. These students are classified by the criteria outlined below.

SECTION 5R.5. Exemptions from Nonresident Tuition.<sup>31</sup>

#### **5R.5.1. MEMBERSHIP OF AN AMERICAN INDIAN TRIBE.<sup>32</sup>**

##### **5R.5.1.1. First American Indian Exemption.**

Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah is entitled to be granted nonresident exempt status. To qualify, a student must provide evidence of membership in a tribe that satisfies the above criteria.

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<sup>26</sup> R512.6.1.5 (Proposed change for May 2015); see also UT HB 0233 (2015).

<sup>27</sup> R512-4.4.1 (Nov. 2014).

<sup>28</sup> R512-4.4.2 (Nov. 2014).

<sup>29</sup> R512-4.4.3 (Nov. 2014).

<sup>30</sup> R513-13 (March 2013).

<sup>31</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>32</sup> R512.7 (Nov. 2014).

### **5R.5.1.2. Second American Indian Exemption.**

Any American Indian who is a member of a federally recognized or known Utah tribe and has graduated from a Utah high school is entitled to be granted nonresident exempt status. A list of recognized tribes is maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

### **5R.5.2. INTERNATIONAL STUDENTS ON ASYLUM OR REFUGEE STATUS.<sup>33</sup>**

An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens. To qualify for nonresident exempt status under this rule, applicants must provide the following:

- A copy their INS I-94, which should include the following stamp or something similar to it: “Admitted as a Refugee Pursuant to Section 207 of the INA for an Indefinite Period of Time”;
- Written confirmation from an organization responsible for placement of refugees (e.g. Catholic Community Services of Utah) that the refugee has been assigned to be resettled in Utah; and
- Documentary evidence of Utah domicile, which may include but is not limited to two indicia of Utah domicile (as defined above).

Refugees placed in another state subsequently moved to Utah voluntarily, must provide:

- A copy their INS I-94, which should include the following stamp or something similar to it: “Admitted as a Refugee Pursuant to Section 207 of the INA for an Indefinite Period of Time”;
- Indicia of Utah domicile (as defined above) that demonstrate the refugee’s intent to establish domicile in Utah; and
- Either
  - evidence that the refugee has maintained continuous Utah residency for one year, if the move was to attend a college or university in Utah; or
  - evidence that the motivation for the move to Utah was not to attend college or university.

### **5R.5.3. JOB CORPS STUDENT.<sup>34</sup>**

A Job Corps student is entitled to nonresident exempt status if the student:

1. is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
2. submits verification that the student is a current Job Corps student.

Upon termination of the student’s Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time

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<sup>33</sup> R512-4.4.3 (Nov. 2014); email from Courtney White to Micah N. Strait (April 16, 2015).

<sup>34</sup> R512.8 (Nov. 2014).

spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in this policy for resident status.

#### **5R.5.4. PARTICIPATION IN OLYMPIC TRAINING PROGRAM.<sup>35</sup>**

A student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for nonresident exempt status. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in this policy.

#### **5R.5.5. STATE SOCIAL SERVICES BENEFITS.<sup>36</sup>**

A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for nonresident exempt status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count toward the applicable time required by this policy for establishing resident student status.

#### **5R.5.6. UNDOCUMENTED INTERNATIONAL STUDENTS.<sup>37</sup>**

If allowed by federal law, a student, other than a nonimmigrant student within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United State Code (see section on international students in this policy), shall be exempt from paying the nonresident portion of total tuition if the student:

1. attended high school in this state for three or more years;
2. graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
3. registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

In addition to these requirements, the student must file an affidavit with Snow College stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

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<sup>35</sup> R512.9 (Nov. 2014).

<sup>36</sup> R512-4.7 (Nov. 2014).

<sup>37</sup> UT Code Anno. § 53B-8-106; R513-13 (March 2013).

## **SECTION 5R.6. RESIDENCY PROCEDURES.** <sup>38</sup>

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### **5R.6.1. INITIAL DETERMINATION.**<sup>39</sup>

The Admissions Office will make the initial determination on residency during the admissions process. The Admissions Office will classify an applicant as either resident or nonresident and may use any material associated with the admissions process for that determination. If there is any doubt, the Admissions Office classifies an applicant as nonresident.

### **5R.6.2. COLLEGE INITIATED RECLASSIFICATION.**<sup>40</sup>

If a student is granted resident student or nonresident exempt status by Snow College or another USHE institution, Snow College may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, errors, or changes in facts or status that would justify such an inquiry or reclassification. This can occur even if the error was on the part of Snow College or the other USHE institution.

### **5R.6.3. STUDENT INITIATED CHANGE IN STATUS.**

#### **5R.6.3.1. Generally.**<sup>41</sup>

Only students can initiate appeals or applications for different residency statuses. Snow College is under no obligation to hear appeals or applications for residency status changes for individuals who are not students at Snow College.

Students initially classified as nonresidents shall retain that status until they are officially reclassified to resident student status or nonresident exempt status as a result of an application or appeal. To change residency status, a student must follow the applicable procedure outlined below. All forms relating to residency can be found online at [www.snow.edu/registrars/](http://www.snow.edu/registrars/). All materials submitted with the appeal or residency application become part of the student's permanent record.

Students must submit all the required and supporting evidence with their application or appeal. Incomplete residency applications or appeals will be denied.

#### **5R.6.3.2. Appeal from Initial Determination.**

A student may appeal the initial residency determination made by the Admissions Office by submitting an appeals form to the Registrar's Office. A student may appeal the Registrar's decision to the Vice President of Student Success. The Vice President of Student Success will base his or her decision on the evidence already in the record, i.e. the evidence from the admissions process and whatever evidence the student submitted to the Registrar for the appeal.

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<sup>38</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>39</sup> R512.4.10.2 (Nov. 2014).

<sup>40</sup> R512.4.9 (Nov. 2014).

<sup>41</sup> R512.4.10 (Nov. 2014).

#### **5R.6.3.3. Application for Resident Student Status.**

After a student has met the criteria for resident student status, the student may submit an Application for Resident Student Status with the Registrar's Office. A student may also appeal the Registrar's determination under this option to the Vice President of Student Success. A student may submit additional evidence along with a letter stating why he or she feels the Registrar's decision was incorrect.

#### **5R.6.3.4. Application for Nonresident Exempt Status.**

A student may also apply for nonresident exempt status under one of the policies below by submitting an appropriate application with the Registrar's Office. A student may also appeal the determination under this option to the Vice President of Student Success. A student may submit additional evidence along with the letter stating why he or she feels the Registrar's decision was incorrect.

#### **5R.6.3.5. Decision on the Application or Appeal.**

The Registrar shall make a determination on the application or appeal within one calendar week of receiving the appeal or application. If the Registrar denies the appeal or application, the Registrar shall provide the student with a written explanation for the decision. This written explanation also becomes part of the student's record.

#### **5R.6.4. DEADLINES.<sup>42</sup>**

Students must meet Snow College's residency application and appeal deadlines for each term. Snow College will not accept applications for reclassification or appeals from the initial determination, with supporting documentation, after the 21<sup>st</sup> calendar day of the semester for which the student seeks reclassification. Applications and appeals received after the 21<sup>st</sup> calendar day will be considered for the following semester.

A student must appeal from the Registrar's decision within ten (10) calendar days from that decision. The ten-day deadline does not include the day the Registrar issues the decision.

#### **5R.6.5. APPEAL HEARINGS FOR RECLASSIFICATION DENIAL.<sup>43</sup>**

The following process for appeals is for students denied resident student or nonresident exempt status.

The Registrar's Office shall direct a student who wishes to appeal its decision to the appeals package available on the Registrar's webpage. The appeals package shall include:

1. Instructions for the appeal;
2. Sample letter of appeal; and
3. Regent's policies pertaining to the determination of residency (R512).

In order for the student's appeal to be heard, the student must write and submit a letter of appeal to the Vice President of Student Success by the deadline articulated above. Pursuant to

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<sup>42</sup> R512.4.10 (Nov. 2014).

<sup>43</sup> R512.4.10.5 (Nov. 2014).

Regents' policy, both the student and the Registrar are entitled to representation by counsel.<sup>44</sup> However, it is not required that formal rules of evidence be followed.<sup>45</sup>

Oral and written evidence may be presented in this appeal. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared. The hearings officer shall provide this summary along with the reasons for the decision made.<sup>46</sup>

#### **5R.6.6. REFUND.<sup>47</sup>**

A decision favorable to the applicant is retroactive and applies to the beginning of the academic period for which reclassification occurred. Thus, a student shall receive a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

### **SECTION 5R.7. EVIDENCE.<sup>48</sup>**

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#### **5R.7.1. PENALTIES FOR GIVING INCORRECT OR MISLEADING INFORMATION.<sup>49</sup>**

A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.

#### **5R.7.2. OBJECTIVE EVIDENCE.**

Students applying for resident student or nonresident exempt status must submit as much objective evidence as possible. If the student is not able to provide an item defined as objective evidence, the student must provide an explanation of why they cannot provide the evidence.<sup>50</sup>

#### **5R.7.3. SUPPLEMENTAL EVIDENCE FOR RESIDENCY.<sup>51</sup>**

In addition to the specific evidence required for the exemptions and exceptions articulated in this policy, a student may submit the following if applicable to the basis for the student's argument for reclassification:

- A statement from the student describing employment and expected sources of support;
- A statement from the student's employer;
- Supporting statements from persons who might be familiar with the family situation;
- Birth certificate;
- Marriage certificate;
- Documentation of eligibility for state social or rehabilitation services;
- Documentation of immigration status and placement as political refugee; and

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<sup>44</sup> R512-4.10.5.4 (Nov. 2014).

<sup>45</sup> R512-4.10.5.6 (Nov. 2014).

<sup>46</sup> R512-4.10.5.5, 7 (Nov. 2014).

<sup>47</sup> R512.4.10.4 (Nov. 2014).

<sup>48</sup> Approved by Board of Trustees Nov. 5, 2015.

<sup>49</sup> R512.4.12 (Nov. 2014).

<sup>50</sup> R512-5.2 (Nov. 2014).

<sup>51</sup> R512.4.6 (Nov. 2014).

- Indicia of Utah domicile.

#### **5R.7.4. DECLARATION OF FINANCIAL INDEPENDENCE.<sup>52</sup>**

In addition to submitting objective evidence of domicile, a person seeking resident student status or nonresident exempt status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Snow College requires this documentation at the time of initial application for nonresident exempt status.

#### **5R.7.5. BURDEN OF PROOF.<sup>53</sup>**

The student has the burden of proving that he or she is eligible for resident student status or nonresident exempt status. This burden applies to all residency determinations made by Snow College. The standard for nonresident exempt status is a preponderance of evidence. The standard for students classified under the rebuttable presumption is substantial evidence. Each standard is measured by the totality of the circumstances.

#### **5R.7.6. TIME COMPUTATION.<sup>54</sup>**

Time spent paying tuition under a waiver granted pursuant to Regents' policy R513 cannot be used as time spent in Utah for satisfying requirements for resident student status. Students receiving waivers under R513 include:

- Western Undergraduate Exchange (WUE) students;
- Western Regional Graduate Program (WRGP) students;
- Professional Student Exchange Program/WICHE students;
- Alumni Legacy Scholarship recipients; and
- Dixie State University's Good Neighbor students.

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<sup>52</sup> R512.4.11 (Nov. 2014).

<sup>53</sup> R512.4.6 (Nov. 2014).

<sup>54</sup> R512.4.13 (Nov. 2014).