

Doc. T95-019
Passed by the BoT
2/1/95
Revised 12/6/95

RESIDENCY STATUS FOR TUITION CLASSIFICATION PURPOSES
(Rules and Regulations Governing the Residency Status of Student for Tuition
Purposes)

These rules and regulations apply to the classification of students at the University of Massachusetts as Massachusetts or non-Massachusetts students for tuition and fee purposes. The Massachusetts Higher Education Coordinating Council may revise this policy after the publication deadline for the 1995-96 catalog. In that event the revised policy will supersede the following

Part I. Definitions.

1.1 "Academic period" shall mean a term or semester in an academic year or a summer session, as prescribed by the Board of Trustees or under their authority.

1.2 "Continuous attendance" shall mean enrollment at the University for the normal academic year in each calendar year, or the appropriate portion or portions of such academic year as prescribed by the Board of Trustees or under their authority.

1.3 "Emancipated person," for the purposes of residency classification for tuition, shall mean a person who has attained the age of 18 years and is financially independent of his or her parents, or if under 18 years of age, (a) whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such person; or (b) a person who is legally married; or (c) a person who has no parent. If none of the aforesaid definitions applies, said person shall be deemed an "unemancipated person."

1.4 "Parent" shall mean

a) the person's father and mother, jointly;

b) if the person's father is deceased, the person's mother;
if the person's mother is deceased, the person's father;

c) if a legal guardian has been appointed by a court having
jurisdiction, the legal guardian;

d) if neither the father nor mother is living and no legal
guardian has been appointed, the person who then stands in loco
parentis to the person;

e) if the father and mother are divorced, separated or
unmarried, the parent who has been awarded legal custody of the person;
or, if legal custody has not been awarded, the parent with whom the
person lives. With respect to any adopted student, the word "adoptive"
should be inserted before the words "father" and "mother" wherever
used.

1.5 "Reside," "residency" or "resident" shall mean "domicile," i.e.,
a person's true, fixed and permanent home or place of habitation, where
he or she intends to remain permanently.

Part II. Classification.

2.1 For the purpose of assessing tuition and fees, each student
shall be classified as a "Massachusetts resident" or a "Non-
Massachusetts resident." A person shall be classified as a
Massachusetts resident if he or she (or the parent of an unemancipated
student) shall have resided in the Commonwealth of Massachusetts for
purposes other than attending an educational institution for twelve
months immediately preceding the student's entry or reentry as a
student.

Physical presence for this entire twelve-month period need not
be required as long as the conduct of an individual, taken in total,
manifests an intention to make Massachusetts his or her permanent
dwelling place.

Part III. Determination of Residency.

3.1 Proof of Residency.

a) Each case will be decided on the basis of all facts submitted with qualitative rather than quantitative emphasis. A number of factors is required for residency to determine the intention of the person to maintain permanent residence in Massachusetts. No single index is decisive. The burden of proof rests on the student seeking classification as a Massachusetts resident.

b) The following shall be primary indicia of residency:

- 1) For unemancipated persons, the residency of parents, having custody, within Massachusetts;
- 2) Certified copies of federal and state income tax returns;
- 3) Permanent employment in a position not normally filled by a student;
- 4) Reliance on Massachusetts sources for financial support;
- 5) Former residency in Massachusetts and maintenance of significant connections there while absent.

c) The following shall be secondary indicia of residency, to be considered of less weight than the indicia listed above in subsection b):

- 1) Continuous physical presence in Massachusetts during periods when not an enrolled student;

2) Military home of record;

3) All other material of whatever kind or source which may have a bearing on determining residency.

3.2 Proof of Emancipation.

A student asserting that he or she is an emancipated person shall furnish evidence to support such assertion. Such evidence may include:

a) Birth certificate or any other legal document that shows place and date of birth;

b) Legal guardianship papers - court appointment and termination must be submitted;

c) Statement of the person, his or her parent(s), guardian(s), or others certifying no financial support.

d) Certified copies of federal and state income tax returns filed by the person and his or her parent(s);

e) Where none of the foregoing can be provided, an affidavit of the emancipated person in explanation thereof and stating fully the grounds supporting the claim of emancipation.

3.3 Presumptions, etc.

a) Residency is not acquired by mere physical presence in Massachusetts while the person is enrolled in an institution of higher education. (See Section 2.1)

b) A person having his or her residency elsewhere than in Massachusetts shall not be eligible for classification as a Massachusetts resident for tuition purposes, except as herein provided.

1) Any person who is registered at the University as a Massachusetts resident shall be eligible for continued classification as a Massachusetts resident for tuition purposes (until attainment of the degree for which he or she is enrolled) during continuous attendance at the institution.

2) The spouse of any person who is classified or is eligible for classification as a "Massachusetts resident" is likewise eligible for classification as a "Massachusetts resident." This provision will not apply in the case of a spouse in the United States on a non-immigration visa.

3) A person who is an immigrant/permanent resident of the United States (or has applied for such status) is eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. Non-citizens who are in (or who have applied for) refugee/asylum status are likewise eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. All non-citizens must provide appropriate documentation to verify their status with the United States Immigration and Naturalization Service.

4) Those students whose higher education pursuits are funded by the Department of Welfare, the Massachusetts Rehabilitation Department, or any of the other Commonwealth of Massachusetts public assistance programs.

c) A person does not gain or lose in-state status solely by reason of his or her presence in any state or country while a member of the Armed Forces of the United States.

d) For the purposes of this policy the following persons shall be presumed to be Massachusetts residents:

1) A member of the Armed Forces of the United States who is stationed in Massachusetts on active duty pursuant to military orders, his or her spouse and dependent students.

2) Full time faculty, professional staff, and classified staff employees of the University of Massachusetts system and their spouses and dependent students.

Part IV. Appeals.

4.1 Any student or applicant who is unwilling to accept the initial ruling relative to his or her residency classification, or who wishes to seek reclassification, may file a "Residency Reclassification Form."

4.2 Any student or applicant who is unwilling to accept the ruling relative to his or her residency classification may submit an appeal through the appeal process established by the campus at which that student or applicant seeks reclassification. The decision on appeal is final and may not be appealed further.

4.3 In any case where the Admissions Office is unable to make an initial determination based on the evidence submitted, the applicant may be required to submit a "Residency Reclassification Form" to the admissions office for their review before being finally classified as a resident or a non-resident.

Part V. Penalties.

Misrepresentation in or omission from any evidence submitted with respect to any fact, which if correctly or completely stated would be grounds to deny classification as a Massachusetts resident, shall be cause for exclusion or expulsion from or other disciplinary action by the University.