

## R.I. BOARD OF GOVERNORS INSTATE POLICY

1993-1999

### A. CHARGES FOR TUITION AND FEES

1. A student who is a resident of the State of Rhode Island shall be classified as a "resident student" and shall pay all tuition and fees prescribed by the Board of Governors for instate students in public higher education.

A student who is not a resident of the State of Rhode Island shall be classified as "non resident student" and shall pay tuition and fees prescribed by the Board of Governors for out-of-state students in public higher education.

2. Nothing in these regulations shall be construed to revoke, amend or otherwise affect any agreement relating to student tuition and fees now in effect or entered into in the future pursuant to the provision of the New England Board of Higher Education Compact.

### B. DEFINITIONS

1. For the purposes of determining a student's classification, the word residence shall mean a student's domicile: the student's true, fixed and permanent home and place of habitation.

A non-resident student who reaches 18 years of age while a student does not by virtue of that fact alone become a resident student.

The ownership of real or personal property in the state and/or the payment of municipal and/or state taxes in Rhode Island and/or marriage to a Rhode Island resident shall be evidence of, but shall not alone establish residence.

2. The term emancipated student shall mean a student who has attained the age of 18 years and whose parents and/or guardians:
  - (a) have entirely surrendered the right to the care, custody and earnings of such student; and
  - (b) have not claimed the student as a dependent for tax purposes for two years; and
  - (c) do not provide regular financial assistance to the student; and

- (d) whose income was not taken into account by any private or governmental agency furnishing financial education assistance to the student, including scholarships, Loans, or otherwise.

If any of the aforesaid tests are not met, the student shall be presumed to be unemancipated.

## C. CRITERIA

### 1. Unemancipated Students

- (a) Any unemancipated student whose parents or guardians have been residents of the state for one year immediately preceding the first class day of the first semester of the student's registration in a public college or university shall be classified as a resident student as long as the parents or guardians continue to be residents of the state.
- (b) Any unemancipated student who initially was classified as a non-resident student may thereafter obtain re-classification only if the student's parents or guardians establish and maintain residence in Rhode Island for a period of at least one year prior to the first class day of the semester for which the student seeks to be re-classified as a resident student.
- (c) The residence of an unemancipated student, including those whose parents are divorced or legally separated, shall follow that of the parent who has legal custody and/or the parent who is responsible for the financial support of the student, whichever favors the student's request for resident student status.

An unemancipated student under guardianship shall be required to present satisfactory documentary evidence of the appointment of the guardian in addition to a certification of the residence of the guardian, which shall be considered the residence of the student unless there are circumstances indicating that such guardianship was created primarily for the purpose of conferring the status of resident student status on the student.

- (d) An unemancipated student whose parent is a member of the Armed Forces and stationed in the state pursuant to military orders shall be entitled to the classification as a resident student during any semester the first class day of which is encompassed by the orders. A member of the Armed Forces or his or her spouse stationed in the state on military orders shall be entitled to classification as a resident student.

### 2. Emancipated Students

(a) Any emancipated student may be classified as a resident student if he or she meets the following tests:

- 1) At the time of emancipation, the student's parents or guardians were residents of Rhode Island for one year immediately preceding the first class day of the first semester of the student's registration at a public college or university.

-or-

Having become emancipated, the student establishes and maintains residence in Rhode Island for one year immediately preceding the first day of the first semester of his or her registration at a public college or university: and

- 2) The student does not hold residence in another state or foreign country: and
- 3) The student is and continues to be a resident of Rhode Island.

(b) Any emancipated student who initially was classified as a non-resident student may thereafter obtain re-classification as a resident student only if the student establishes and maintains residence in Rhode Island for a period of at least one year prior to the first class day of the semester for which he or she seeks to be reclassified as a resident student.

A student from another state or foreign country who is enrolled at a public college or university for more than six credits per semester shall be presumed to be in Rhode Island primarily for educational purposes and will be presumed to have not been a resident of the state during the time so enrolled. Continued presence in Rhode Island during vacation periods or occasional interruptions in the course of study will not, of itself, overcome these presumptions.

#### D. PROCEDURES FOR INSTITUTIONS

1. The Residency Officer shall classify each person accepted by a public college or university as a resident or non-resident student. Said classification shall be based upon all relevant information made available to the Residency Officer, including, but not limited to, information submitted by or on behalf of the student. The Residency Officer may, as a condition of registration, require such written documents and other relevant evidence as is deemed necessary or helpful to determine the residence of the applicant.

2. Any student who has been classified as a non-resident student and who claims that his or her status has changed during attendance at the institution may request the Residency Officer for a re-classification, submitting relevant evidence in support of this claim.

Based upon relevant evidence, the institution may request the Residency Officer to re-classify a student, if the student's status has changed during attendance at the institution.

If the Residency Officer determines that the student has become a resident, the student shall be classified as a resident student effective with the beginning of the semester next following the determination. Decisions on classification will be communicated to the student in written form. Requests for a change of classification will not be considered more than once in any semester.

3. Any student who is classified as a non-resident student by the Residency Office may, by filing a written request with the Residency Officer within thirty days of receipt of notification of the classification, appeal the Residency Officer's decision to the Board of Residency Review. The Residency officer shall thereupon transmit the record, including a statement of the reasons for the decision to the Board of Residency Review, and the board shall decide the appeal upon the record together with such additional written information as the student may furnish or the board may require. The Board of Residency Review shall hold an informal hearing. The decision of the Board of Residency Review shall be final.

#### E. PENALTIES

Misrepresentation of facts in order to qualify for resident student classification shall be considered cause for suspension or permanent exclusion from a public college or university. Moreover, it may subject the student to criminal prosecution.