

# Dixie State University Policy

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## 503 Qualifications for Residency



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### **I. Definitions**

- 1.1 “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 Regents policy R512 Determination of Resident Status.
- 1.2 “Nonresident” 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 Utah Board of Regents policy R512 Determination of Resident Status.
- 1.3 The Vice President of Student Services will designate a “Residency Officer,” ordinarily an employee in the Admissions Office, to make residency determinations on behalf of the University.

### **II. Initial Classification**

- 2.1 All Dixie State University of Utah student applicants will be classified as having “resident” or “nonresident” status. 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 Regents policy R512 Determination of Resident Status.
- 2.2 Students who graduated from high schools outside the state of Utah are automatically classified as nonresident.
- 2.3 Students whose residency status is not clear will be classified as nonresident.

### **III. Application for Reclassification**

- 3.1 Students classified as nonresident shall retain that status until an official reclassification to resident status is implemented.

- 3.2 The Utah Board of Regents policy R512 Determination of Resident Status lists residency requirements, definitions, exemptions, and acceptable documentary evidence.
- 3.3 To initiate a change in residency status for a semester, a student must submit a written application along with required documentation not later than the seventh (7th) calendar day of that semester to the Residency Officer.
- 3.4 After considering the application and accompanying documentation, the Admissions Office will make a decision and notify the student of the decision regarding residency status within seven (7) calendar days after receipt of the application.
- 3.5 If the application is denied, the student shall have the right to meet with 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 discussion and any additional information, the Residency Officer shall notify the student either orally or in writing of the final decision regarding residency status not later than three (3) business days after the meeting.
- 3.6 If the Residency Officer denies a student's 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 notification.

#### **IV. Appeals**

- 4.1 The Residency Appeals Committee shall be chaired by a non-voting faculty member, and shall be comprised of two (2) faculty members, two (2) staff members, and two (2) students.
  - 4.1.1 A quorum shall be four voting committee members, and committee decisions will be based on a majority vote. In case of a tie, the non-voting chair shall issue the deciding vote.
  - 4.1.2 Neither the University nor the Committee will reimburse the expenses of any participant in the appeals process, regardless of final determination.
  - 4.1.3 During periods when classes are in session, the Committee will conduct a hearing within seven (7) business days of receipt of an appeal and supporting documentation.
    - 4.1.3.1 When classes are not in session, the Committee will conduct a

hearing within seven (7) business days of classes reconvening.

- 4.2 Dixie State University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
- 4.3 The student shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.
- 4.4 Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs.
- 4.5 The student may submit documentary evidence in any appropriate form and may produce and/or examine witnesses on his/her behalf. The student may cross-examine any other witnesses testifying at the hearing.
- 4.6 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 from time to time and Utah Board of Regents 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.
- 4.7 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.
- 4.8 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.
- 4.9 Not later than five (5) business days after the hearing, the Committee chair shall notify the student in writing of the Committee's decision, which shall be final, thereby exhausting the student's administrative remedies on the matter.
- 4.10 A student whose appeal has been denied may not reapply for reclassification until the following semester.

## **V. Retroactive Reclassification**

- 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.

- 5.2 In such cases, the University will refund the nonresident 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.
- 5.3 No late fees or other penalties shall be refunded. Any such fees and/or expenses shall remain the responsibility of the student.

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Policy Owner: Student Services, VP

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