

EXECUTIVE SUMMARY

Item Name: Proposed Revisions to ABOR Policies 4-201 “Definitions for Residency Classifications”, 4-203 “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes”, 4-205 “Residency Classification Appeal Procedures” and Repeal of 4-206 “Miscellaneous Provisions” (First Reading)

Action Item

Requested Action: The board office asks the board to review on first reading the proposed revisions to ABOR Policies 4-201 “Definitions for Residency Classifications”, 4-203 “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes”, 4-205 “Residency Classification Appeal Procedures” and Repeal of 4-206 “Miscellaneous Provisions”.

Background/History of Previous Board Action

A tri-university work group of ABOR and University attorneys and staff developed the proposed revisions to the ABOR residency policies, which are not intended to limit the definition of residency, but are intended to clarify for students and university staff how residency is determined.

Discussion

The proposed revisions offer the following clarifications:

4-201

1. Defines objective evidence.
2. Clarifies the definition of parent to include adoptive parent and custodial parent.
3. Clarifies the definition of student to mean a person admitted and eligible to enroll in classes.

4-203

1. This replaces 4-203 in its entirety, as the changes involved significant reorganization of multiple provisions, the addition of the provisions from 4-206, and changes to comply with new law.

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EXECUTIVE SUMMARY

2. Adds new language to comply with the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020.
3. Reorganizes the evidentiary requirements for continuous physical presence, Arizona residency, and financial independence to one section of the policy and clarifies the exceptions to those requirements.
4. Clarifies that to establish in-state residency for tuition purposes, the student must establish the discussed factors by a preponderance of the evidence.
5. Clarifies the current requirement that all evidence shall be considered under the rebuttable presumptions that: a non-resident student's presence in Arizona is primarily for the purpose of education and not to establish domicile; an individual cannot establish residency or domicile while in Arizona primarily for the purposes of education; an individual cannot establish residency for tuition purposes while attending an educational institution in Arizona as a full-time student; that decisions of an individual as to the establishment of residency and domicile are generally made after the completion of an education, and not before.
6. Clarifies what the classification officer and the review committee will consider.
7. Incorporates the provisions of 4-206.

4-205

1. Clarifies that a student is reviewing a residency classification decision.
2. Clarifies that a failure to timely request review a residency classification decision makes the residency determination final.
3. Allows hearing notices and decisions to be sent via university email.
4. Allows the university to set a deadline to submit evidence to the review committee.
5. Clarifies that the university has 10 calendar days to issue a decision, excluding Saturday, Sunday and university recognized holidays, following the review hearing.

EXECUTIVE SUMMARY

4-206

1. Repeals the policy and incorporates all of the provisions from this policy into 4-203.

Committee Review and Recommendation

The Academic Affairs and Educational Attainment Committee reviewed this item at its April 1, 2021 meeting, and recommended forwarding the item to the full board for first reading and subsequent approval.

Statutory/Policy Requirements

A.R.S. §§ 15-1801, *et seq.*

EXECUTIVE SUMMARY

B. RESIDENCY CLASSIFICATION FOR TUITION PURPOSES

4-201 Definitions for Residency Classification

For purposes of residency classification, unless the context otherwise provides or requires:

- A. "Armed forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the United States Public Health Services and the National Oceanographic and Atmospheric Administration, the National Guard and any military reserve unit of any branch of the armed forces of the United States.
- B. "Board" means the Arizona Board of Regents.
- C. "Classification officer" means a university administrator authorized by the president to classify individuals for residency purposes.
- D. "Continuous attendance" means enrollment at an educational institution in Arizona, including a public university, community college or high school, as a full-time student for an entire and uninterrupted academic year from the beginning of the period for which continuous attendance is claimed. An individual need not attend summer sessions or other intersessions beyond the traditional academic year in order to maintain continuous attendance.
- E. "Domicile" OR "DOMICILED" means an individual's true, fixed and permanent home and place of habitation. It is the place where the individual lives, intends to remain, and to which the individual intends to return when leaving without intending to establish a new domicile elsewhere.
- F. "Emancipated individual" means an individual who is neither under a legal duty of service to ~~his or her~~ THEIR parent(s) nor entitled to the support of ~~his or her~~ THEIR parent(s).
- G. "FINANCIAL INDEPENDENCE" MEANS THE INDIVIDUAL IS CAPABLE OF PAYING FOR THE INDIVIDUAL'S LIVING EXPENSES (I.E., HOUSING, UTILITIES, TRANSPORTATION, INSURANCE, GROCERIES/FOOD) AND UNIVERSITY TUITION WITH FUNDS EARNED BY THE INDIVIDUAL OR WITH FUNDS THAT ARE THE SOLE PROPERTY OF THE INDIVIDUAL, WITHOUT RECEIVING SIGNIFICANT FINANCIAL SUPPORT FROM SOMEONE OTHER THAN A SPOUSE.
- H. "Guardian" means a legal guardian.

EXECUTIVE SUMMARY

- I. "Last day of registration" means the final day of regular registration for credit for a semester as published by the university.
- J. "Minor" means an individual under the age of 18.
- K. "OBJECTIVE EVIDENCE" MEANS DOCUMENTATION OR INFORMATION OTHER THAN AN INDIVIDUAL'S OWN STATEMENT(S) OF INTENT.
- L. "Parent" means an individual's FATHER OR MOTHER (INCLUDING ADOPTIVE FATHER OR MOTHER), OR IF ONE PARENT HAS CUSTODY, THAT PARENT, or the legal guardian of an unemancipated individual provided there is no evidence indicating that the guardianship was created primarily for the purpose of conferring the classification of resident on the individual.
- M. "President" means the president of a university or the president's designee.
- N. "Review committee" means a committee at each university designated by the president to review residency classification determinations.
- O. "State" or "this state" means the State of Arizona.
- P. "Student" means any individual ~~registered~~ WHO HAS BEEN ADMITTED OR IS ELIGIBLE TO ENROLL in one or more classes.
- Q. "University" means the University of Arizona, Arizona State University, Northern Arizona University, or any other university governed by the Board.

EXECUTIVE SUMMARY

~~4-203 Requirements to be Considered in Determining an Individual's Residency Classification for Tuition Purposes~~

- ~~A. Residency Classification for tuition purposes is to be determined in accordance with Arizona Law and Board Policy.~~
- ~~B. Except as provided in board policy, to establish in-state residency for tuition purposes, the individual must demonstrate continuous presence in Arizona and objective intent as described below.~~
 - ~~1. The individual must provide objective evidence of continuous presence in Arizona for 12 months and;~~
 - ~~2. The individual must provide objective evidence of intent to be a resident for tuition purposes of Arizona as demonstrated by the severance of ties to the individual's former state of residence. Intent will be evaluated by the classification officer. No one factor is determinative. Residency classification for tuition purposes must be established by a preponderance of the evidence. Any relevant evidence may be considered, including the following:~~
 - ~~a. Objective evidence of financial independence. Indicators of financial independence include:
 - ~~a. Place of employment and proof of earnings;~~
 - ~~b. Other sources of support;~~
 - ~~c. Proof of filing Arizona state income tax returns;~~
 - ~~d. Residence claimed on federal income tax returns of applicant and/or parents;~~
 - ~~e. Veteran status; and~~
 - ~~f. Whether claimed as a dependent for income tax purposes by a parent or any other individual for two years immediately preceding the request for residency classification.~~~~
 - ~~b. Once established, residency for tuition purposes is not lost due only to the student's receipt of funds from a source outside Arizona.~~
 - ~~c. State in which motor vehicle is registered.~~
 - ~~d. Source of payment for the individual's auto insurance policies.~~

EXECUTIVE SUMMARY

- e. ~~Date of issuance and state issuing driver's license or state identification card.~~
 - f. ~~Employment history~~
 - g. ~~The transfer of major banking services to Arizona~~
 - h. ~~Applications for loans, scholarships, grants-in-aid, or other such assistance~~
 - i. ~~Voter registration~~
 - j. ~~Place of prior attendance in educational institutions, including high schools, and any information held by such schools affecting domicile~~
 - k. ~~Marital status and work record of registrant and spouse~~
 - l. ~~Change in permanent address on all pertinent records~~
 - m. ~~State in which registered with Selective Service~~
 - n. ~~Military records~~
 - o. ~~Ownership of real property~~
 - p. ~~All other materials of whatever kind or source, which may have a bearing on determining domicile or residency.~~
3. ~~All of the evidence is weighed under the presumption that a non-resident student's presence in Arizona is primarily for the purpose of education and not to establish domicile, and that decisions of an individual as to the intent to establish domicile are generally made after the completion of an education and not before.~~
4. ~~Evidence indicating intent must exist at the beginning of and be maintained throughout the 12 month period of continuous presence needed to establish residency classification. Acts or events occurring less than 12 months before the last day of registration may be considered as evidence of the lack of such intent.~~
5. ~~A statement of intent by the student should be weighed in light of the fact that the student knows that he or she will realize a~~

EXECUTIVE SUMMARY

~~substantial reduction in tuition by being classified as a resident for tuition purposes.~~

- ~~6. Each item presented for determination shall be subject to the classification officer's or review committee's decision as to the weight to be given to it, and such officer or committee shall be the sole judge of the authenticity or truthfulness of any material or statements submitted as supportive evidence. The classification officer may require original or certified copies of documentation.~~
 - ~~7. If a minor applies for classification as a resident and alleges that he or she is an emancipated individual, that individual must also establish that:
 - ~~a. He or she is not living with a parent; and~~
 - ~~b. There has been a complete severance of the parental relationship to all legal rights and liabilities, including but not limited to care, custody, control, and service.~~~~
 - ~~8. Unless the contrary appears to the satisfaction of the classification officer or review committee making a classification determination, it shall be presumed that:
 - ~~a. No individual has established residency for tuition purposes in Arizona while attending any education institution in Arizona as a full-time student in the absence of objective evidence to the contrary.~~
 - ~~b. If an individual is absent from Arizona for more than 30 days they must provide objective evidence that they retained their Arizona domicile.~~~~
- ~~C. Subject to ABOR Policy 4-102, residency can also be established by qualifying under one of the following categories:~~
- ~~1. The individual is domiciled in Arizona and:
 - ~~a. The domicile of one or both of the individual's parents is in Arizona and~~
 - ~~b. One or both of the individual's parents are entitled to claim the individual as a dependent child for federal state tax~~~~

EXECUTIVE SUMMARY

~~purposes (whether or not the parent actually claims the individual as a dependent child).~~

- ~~2. The individual is domiciled in Arizona and~~
 - ~~a. The individual's spouse has established domicile in Arizona for at least 12 months immediately preceding the last day of registration and the spouse has demonstrated financial independence,~~
 - ~~b. The individual's spouse is entitled to claim the individual as an exemption for federal and state tax purposes, and~~
 - ~~c. The individual has provided objective evidence of the spouse's Arizona domicile and financial independence and is entitled to claim the individual as an exemption for income tax purposes.~~

- ~~3. The individual is domiciled in Arizona and is:~~
 - ~~a. Employed by an employer which transferred the individual to Arizona for employment purposes, or~~
 - ~~b. The spouse of such an employee, or~~
 - ~~c. An employee of an Arizona employer who is taking not more than six credit hours solely through electronic course delivery at employer-sanctioned sites in Arizona, when the employer is required to pay additional site fees or transmission costs and~~
 - ~~d. "Transfer" means an individual who was transferred by his or her employer fewer than 12 months prior to the term in question, is not self-employed or employed in a family-owned business not previously operating in Arizona, and can provide proof of payment or reimbursement of moving expenses by his/her employer.~~

- ~~4. The individual is domiciled in Arizona and an employee of a public school district in Arizona and is under contract to teach on a full-time basis, or is employed as a full-time noncertified classroom aide at a public school within that school district. For purposes of this paragraph, the individual is eligible to pay in-state tuition only for courses necessary to complete the requirements for certification by~~

EXECUTIVE SUMMARY

~~the State Board of Education to teach in a public school district in Arizona. No member of the individual's family is eligible for classification as an in-state student pursuant to this paragraph, although they may qualify under other exceptions.~~

~~The universities:~~

~~a. Shall establish uniform procedures to determine whether courses taken by a teacher or classroom aide qualify under this section.~~

~~b. Shall consider charter schools as public schools consistent with Arizona statutes.~~

~~c. May apply this section to teachers and classroom aides from private schools where those private schools require that teachers hold Arizona teacher certification.~~

~~5. The individual is a member of the armed forces of the United States stationed in Arizona pursuant to military orders or is the spouse or dependent child of that individual who is a member of the armed forces of the United States stationed in Arizona pursuant to military orders at the time the spouse or dependent child is accepted for admission.~~

~~6. The individual is a member of the armed forces of the United States stationed outside of Arizona pursuant to military orders or is the spouse or dependent child of that individual and the individual claimed Arizona as their legal residence for at least twelve consecutive months prior to the last date of registration. The individual claiming residency status under this provision is required to:~~

~~a. provide a copy of the military form DD-2058 which verifies his or her state of legal residence; and~~

~~b. if applicable, provide evidence of having filed an Arizona Resident Income Tax Return with the Arizona Department of Revenue for the prior tax year on all income from all sources.~~

EXECUTIVE SUMMARY

7. ~~The individual meets one of the following the requirements in ABOR policy 4-203(C)(7)(a) or ABOR policy 4-203(C)(7)(b) and (c) as follows:~~
- a. ~~The individual holds an honorable discharge from the uniformed services of the United States from either active duty or reserve or National Guard status, or has retired from active duty or reserve or National Guard status. Such individual shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this subsection, includes at least one of the following:~~
- ~~i. Registration to vote in Arizona.~~
 - ~~ii. An Arizona driver license.~~
 - ~~iii. Arizona motor vehicle registration.~~
 - ~~iv. Employment history in Arizona.~~
 - ~~v. Transfer of major banking services to Arizona.~~
 - ~~vi. Change of permanent address on all pertinent records.~~
 - ~~vii. Other materials of whatever kind or source relevant to domicile or residency status.~~
- b. ~~An individual who meets any of the requirements prescribed in ABOR policy 4-203(C)(7)(c) shall be granted immediate classification as an in-state student and does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of this state that, for the purposes of this subsection, includes at least one of the following:~~
- ~~i. Registration to vote in Arizona.~~
 - ~~ii. An Arizona driver license.~~
 - ~~iii. Arizona motor vehicle registration.~~
 - ~~iv. Employment history in Arizona.~~
 - ~~v. Transfer of major banking services to Arizona.~~
 - ~~vi. Change of permanent address on all pertinent records.~~
 - ~~vii. Other materials of whatever kind or source relevant to domicile or residency status.~~
- c. ~~An individual who meets any of the following requirements is~~

EXECUTIVE SUMMARY

~~entitled to immediate classification as an in-state student if that individual has demonstrated objective evidence of intent to be a resident of this state as prescribed in ABOR policy 4-203(C)(7)(b):~~

- ~~i. The individual is a veteran as defined in title 38 of the United States Code who, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three years after the veteran's discharge from active duty service of ninety or more days or who remains continuously enrolled beyond the three-year period following the discharge of the veteran.~~
- ~~ii. The individual does not meet the requirements prescribed in paragraph iii or iv of this subsection and, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three years after the veteran's discharge from active duty service of ninety or more days or remains continuously enrolled beyond the three-year period following the discharge of the veteran.~~
- ~~iii. The individual, while using benefits under the marine gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code section 3311(b)(9), enrolls in a university under the jurisdiction of the Arizona Board of Regents.~~
- ~~iv. The individual, while using transferred post-9/11 G.I. Bill benefits pursuant to 38 United States Code section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, enrolls in a university under the jurisdiction of the Arizona Board of Regents.~~
- ~~v. The individual is otherwise described in 38 United States Code section 3679(c).~~

~~8. Subject to the requirements of ABOR Policy 4-102:~~

- ~~a. The individual is an enrolled member of an Indian tribe~~

EXECUTIVE SUMMARY

~~recognized by the United States Department of Interior whose reservation land lies wholly or partially in Arizona and extends into another state and is a resident of the reservation.~~

~~b. For purposes of residency classification, enrollment as a tribal member in a federally recognized Arizona tribe will be sufficient to establish residency for tuition purposes.~~

~~9. The individual is domiciled within 75 miles of the Arizona border in Clark County, Nevada or Washington or Kane Counties, Utah, or in San Bernardino, Imperial, or Riverside Counties in California, including the cities of Needles, Blythe, El Centro, Brawley, and Winter Haven, and is enrolling in a total of no more than 6 credit hours per semester offered in Mohave, La Paz, or Yuma Counties, Arizona by a university under the jurisdiction of the Arizona Board of Regents; or the individual is domiciled within 75 miles of the Arizona border in Grant, Hidalgo, or Luna Counties in New Mexico and is enrolling in a total of no more than 6 credit hours per semester offered in Cochise County, Arizona by a university under the jurisdiction of the Arizona Board of Regents. This program is designed to reduce excess capacity; therefore, the Presidents of the universities shall assure that classifying the individual as a resident in their respective programs do not result in denying course offerings to Arizona residents or result in additional expenditures being required for course offerings.~~

~~10. The individual is a doctoral graduate student who is a candidate for a degree, having completed all requirements for the degree except the dissertation, and who qualified as a resident student immediately prior to being eligible to begin his or her dissertation.~~

~~11. The individual is a graduate assistant or graduate associate at a university under the jurisdiction of the Arizona Board of Regents whose assigned teaching or research responsibilities meet the guidelines established by the university for designation as a resident student.~~

~~12. The individual has participated in the AmeriCorps program or the Volunteers in Service to America program for at least one year in Arizona.~~

EXECUTIVE SUMMARY

- ~~D. Subject to ABOR Policy 4-102 an individual who does not hold a visa that requires the individual to maintain a foreign domicile or that otherwise prohibits establishing domicile in Arizona shall be classified as a resident if the individual can establish that on or before the last day of registration the individual satisfied one of the following criteria:~~
- ~~1. Meets the requirements for classification as a resident for tuition purposes, or~~
 - ~~2. Qualifies as a resident refugee student by virtue of having been granted refugee status in accordance with all applicable laws of the United States and having met all other requirements for domicile in this Arizona; provided that in establishing domicile, the individual must not hold a visa that prohibits establishing domicile in Arizona.~~
- ~~E. Subject to ABOR Policy 4-102 (Non Resident Tuition), a full-time student admitted and enrolled at a university who obtains resident status by virtue of ABOR Policy 4-203B.3 (Requirements for Resident Status) does not lose resident status while in continuous attendance toward the degree for which currently enrolled.~~
- ~~F. The domicile of an unemancipated person is that of either parent. Subject to ABOR Policy 4-102 (Non Resident Tuition), any unemancipated person who is a student admitted and enrolled at a university and who remains in this state when the person's parent, who had been domiciled in this state, removes from this state does not lose resident status while in continuous attendance toward the degree for which currently enrolled.~~

EXECUTIVE SUMMARY

4-203 REQUIREMENTS TO BE CONSIDERED IN DETERMINING AN INDIVIDUAL'S RESIDENCY CLASSIFICATION FOR TUITION PURPOSES

- A. RESIDENCY CLASSIFICATION FOR TUITION PURPOSES IS TO BE DETERMINED IN ACCORDANCE WITH ARIZONA LAW AND BOARD POLICY.

- B. UNLESS AN EXCEPTION EXISTS IN BOARD POLICY, ALL STUDENTS SEEKING CLASSIFICATION AS AN IN-STATE RESIDENT FOR TUITION PURPOSES MUST ESTABLISH, BY A PREPONDERANCE OF THE EVIDENCE, ALL OF THE FOLLOWING THREE FACTORS:
 - 1. CONTINUOUS PHYSICAL PRESENCE: THE STUDENT HAS BEEN CONTINUOUSLY PHYSICALLY PRESENT IN ARIZONA FOR THE 12 CALENDAR MONTHS IMMEDIATELY PRECEDING THE LAST DAY OF REGISTRATION FOR THE TERM WHICH THE STUDENT IS SEEKING CLASSIFICATION AS AN IN-STATE RESIDENT FOR TUITION PURPOSES, AS DEMONSTRATED BY OBJECTIVE EVIDENCE. ANY RELEVANT EVIDENCE MAY BE CONSIDERED, INCLUDING THE FOLLOWING CATEGORIES OF EVIDENCE; HOWEVER, NO SINGLE CATEGORY IS DETERMINATIVE:
 - a. OWNERSHIP OR LEASE OF PROPERTY;
 - b. BANK OR OTHER FINANCIAL RECORDS REFLECTING CONTINUOUS PRESENCE IN ARIZONA;
 - c. UTILITY BILLS/RECORDS OF CONTINUOUS USAGE;
 - d. STATE AND FEDERAL TAX RETURNS;
 - e. EMPLOYMENT HISTORY, INCLUDING RECORDS OF ARIZONA EMPLOYMENT;
 - f. ALL OTHER MATERIALS OF WHATEVER KIND OR SOURCE, WHICH MAY HAVE A BEARING ON DETERMINING CONTINUOUS PRESENCE.

EXECUTIVE SUMMARY

2. ARIZONA RESIDENCY: THE STUDENT IS AN ARIZONA RESIDENT, AND ARIZONA IS THE STUDENT'S DOMICILE AS DEMONSTRATED BY OBJECTIVE EVIDENCE. ANY RELEVANT EVIDENCE MAY BE CONSIDERED, INCLUDING THE FOLLOWING CATEGORIES OF EVIDENCE; HOWEVER, NO SINGLE CATEGORY IS DETERMINATIVE:
 - a. THE SEVERANCE OF TIES TO THE STUDENT'S FORMER STATE OF RESIDENCE;
 - b. DATE OF REGISTRATION AND STATE IN WHICH MOTOR VEHICLE IS REGISTERED;
 - c. DATE OF ISSUANCE AND STATE ISSUING DRIVER'S LICENSE OR STATE IDENTIFICATION CARD;
 - d. EMPLOYMENT HISTORY, INCLUDING DATES AND LOCATION OF EMPLOYMENT AND EMPLOYER;
 - e. THE TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA;
 - f. STATE WHERE THE STUDENT IS REGISTERED TO VOTE, DATE OF REGISTRATION, AND WHETHER STUDENT HAS VOTED IN ARIZONA ELECTION;
 - g. PLACE OF PRIOR ATTENDANCE IN EDUCATIONAL INSTITUTIONS, INCLUDING HIGH SCHOOLS, AND ANY INFORMATION HELD BY SUCH SCHOOLS AFFECTING DOMICILE;
 - h. MARITAL STATUS AND EMPLOYMENT HISTORY OF SPOUSE;
 - i. ADDRESS PROVIDED/GIVEN BY STUDENT ON ALL PERTINENT RECORDS;
 - j. STATE IN WHICH REGISTERED WITH SELECTIVE SERVICE;
 - k. MILITARY RECORDS;
 - l. OWNERSHIP OF REAL PROPERTY;

EXECUTIVE SUMMARY

- m. TAX RECORDS; AND
 - n. ALL OTHER MATERIALS OF WHATEVER KIND OR SOURCE, WHICH MAY HAVE A BEARING ON DETERMINING DOMICILE OR RESIDENCY.
3. FINANCIAL INDEPENDENCE: THE STUDENT IS FINANCIALLY INDEPENDENT FOR THE TWELVE MONTHS IMMEDIATELY PRECEDING THE LAST DAY OF REGISTRATION, AS DEMONSTRATED BY OBJECTIVE EVIDENCE. ANY RELEVANT EVIDENCE MAY BE CONSIDERED, INCLUDING THE FOLLOWING CATEGORIES OF EVIDENCE; HOWEVER, NO SINGLE CATEGORY IS DETERMINATIVE:
- a. DATES OF EMPLOYMENT AND PROOF OF EMPLOYMENT EARNINGS;
 - b. DOCUMENTATION OF ALL SOURCES OF FINANCIAL/ECONOMIC SUPPORT;
 - c. APPLICATIONS FOR LOANS, SCHOLARSHIPS, GRANTS-IN-AID, OR OTHER SUCH ASSISTANCE;
 - d. DOCUMENTATION REFLECTING SOURCE OF FUNDS USED TO PAY FOR STUDENT'S UNIVERSITY TUITION AND LIVING EXPENSES (I.E., HOUSING, UTILITIES, TRANSPORTATION, GROCERIES/FOOD, ETC.);
 - e. WHETHER THE STUDENT IS OR WAS CLAIMED AS A DEPENDENT FOR INCOME TAX PURPOSES DURING THE MOST RECENT TAX YEAR PRECEDING THE TERM FOR WHICH THE STUDENT IS SEEKING RESIDENT CLASSIFICATION;
 - f. STUDENT'S STATE AND FEDERAL INCOME TAX RETURNS;
 - g. VETERAN STATUS; AND
 - h. ALL OTHER MATERIALS OF WHATEVER KIND OR SOURCE, WHICH MAY HAVE A BEARING ON FINANCIAL INDEPENDENCE.

EXECUTIVE SUMMARY

- C. EXCEPTIONS TO RESIDENCY REQUIREMENTS: SUBJECT TO ABOR POLICY 4-102, A STUDENT MAY ALSO BE CLASSIFIED AS AN IN-STATE RESIDENT FOR TUITION PURPOSES UPON ESTABLISHING BY OBJECTIVE EVIDENCE THAT:
1. THE STUDENT IS DOMICILED IN ARIZONA, AS SET FORTH IN THIS POLICY, FOR MORE THAN ONE YEAR, AND IS FINANCIALLY DEPENDENT UPON A PARENT WHO IS DOMICILED IN ARIZONA AS SET FORTH IN THIS POLICY.
 2. THE STUDENT IS DOMICILED IN ARIZONA, FOR LESS THAN ONE YEAR, AS SET FORTH IN THIS POLICY, AND:
 - a. THE DOMICILE OF THE STUDENT'S PARENT IS IN ARIZONA AS SET FORTH IN THIS POLICY; AND
 - b. THE PARENT OF THE STUDENT WHO IS DOMICILED IN ARIZONA IS ENTITLED TO CLAIM THE STUDENT AS AN EXEMPTION FOR FEDERAL AND STATE TAX PURPOSES (WHETHER OR NOT THE PARENT ACTUALLY CLAIMS THE STUDENT AS AN EXEMPTION).
 3. THE STUDENT IS DOMICILED IN ARIZONA AND:
 - a. THE STUDENT'S SPOUSE HAS ESTABLISHED DOMICILE IN ARIZONA FOR AT LEAST 12 MONTHS IMMEDIATELY PRECEDING THE LAST DAY OF REGISTRATION AND THE SPOUSE HAS DEMONSTRATED FINANCIAL INDEPENDENCE AS SET FORTH IN SECTIONS B.2 AND B.3, ABOVE; AND
 - b. THE STUDENT'S SPOUSE IS ENTITLED TO CLAIM THE STUDENT AS AN EXEMPTION FOR FEDERAL AND STATE TAX PURPOSES.
 4. THE STUDENT IS DOMICILED IN ARIZONA AND IS:
 - a. EMPLOYED BY AN EMPLOYER WHICH TRANSFERRED THE STUDENT TO ARIZONA FOR EMPLOYMENT PURPOSES; OR
 - b. THE SPOUSE OF AN EMPLOYEE EMPLOYED BY AN EMPLOYER WHICH TRANSFERRED THE STUDENT'S

EXECUTIVE SUMMARY

- SPOUSE TO ARIZONA FOR EMPLOYMENT PURPOSES;
OR
- c. AN EMPLOYEE OF AN ARIZONA EMPLOYER WHO IS TAKING NOT MORE THAN SIX CREDIT HOURS SOLELY THROUGH ELECTRONIC COURSE DELIVERY AT EMPLOYER-SANCTIONED SITES IN ARIZONA, WHEN THE EMPLOYER IS REQUIRED TO PAY ADDITIONAL SITE FEES OR TRANSMISSION COSTS;
 - d. FOR THE PURPOSES OF THIS SECTION D.3., “TRANSFER” MEANS AN EMPLOYEE WHO WAS TRANSFERRED BY THE EMPLOYEE’S EMPLOYER AT THE DIRECTION OF, AND FOR THE BENEFIT FOR THEIR EMPLOYER, FEWER THAN 12 MONTHS PRIOR TO THE TERM IN QUESTION, IS NOT SELF-EMPLOYED OR EMPLOYED IN A FAMILY-OWNED BUSINESS (OR SUBSIDIARY THEREOF) NOT PREVIOUSLY OPERATING IN ARIZONA.
5. THE STUDENT IS DOMICILED IN ARIZONA, IS AN EMPLOYEE OF A SCHOOL DISTRICT IN ARIZONA AND IS UNDER CONTRACT TO TEACH ON A FULL-TIME BASIS, OR IS EMPLOYED AS A FULL-TIME NONCERTIFIED CLASSROOM AIDE AT A PUBLIC SCHOOL WITHIN THAT SCHOOL DISTRICT. FOR PURPOSES OF THIS PARAGRAPH, THE STUDENT IS ELIGIBLE TO PAY IN-STATE TUITION ONLY FOR COURSES NECESSARY TO COMPLETE THE REQUIREMENTS FOR CERTIFICATION BY THE STATE BOARD OF EDUCATION TO TEACH IN A SCHOOL DISTRICT IN ARIZONA. NO MEMBER OF THE STUDENT’S FAMILY IS ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS PARAGRAPH, ALTHOUGH THE STUDENT’S FAMILY MEMBER MAY OTHERWISE BE INDEPENDENTLY ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO OTHER SECTIONS OF THIS POLICY. FOR THESE STUDENTS, THE UNIVERSITIES:
- a. SHALL ESTABLISH UNIFORM PROCEDURES TO DETERMINE WHETHER COURSES TAKEN BY A TEACHER OR CLASSROOM AIDE QUALIFY UNDER THIS SECTION;

EXECUTIVE SUMMARY

- b. SHALL CONSIDER CHARTER SCHOOLS AS PUBLIC SCHOOLS CONSISTENT WITH ARIZONA STATUTES; AND
 - c. MAY APPLY THIS SECTION TO TEACHERS AND CLASSROOM AIDES FROM PRIVATE SCHOOLS WHERE THOSE PRIVATE SCHOOLS REQUIRE THAT TEACHERS HOLD ARIZONA TEACHER CERTIFICATION.
6. THE UNITED STATES STATIONED IN ARIZONA PURSUANT TO MILITARY ORDERS OR IS THE SPOUSE OR DEPENDENT CHILD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES STATIONED IN ARIZONA PURSUANT TO MILITARY ORDERS AT THE TIME THE STUDENT IS ACCEPTED FOR ADMISSION. WHILE IN CONTINUOUS ATTENDANCE TOWARD THE DEGREE IN WHICH THE STUDENT ENROLLS, THE STUDENT DOES NOT LOSE IN-STATE CLASSIFICATION.
7. THE STUDENT IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR IS THE SPOUSE OR DEPENDENT CHILD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND THE SERVICE MEMBER CLAIMED ARIZONA AS THE SERVICE MEMBER'S LEGAL RESIDENCE FOR AT LEAST TWELVE CONSECUTIVE MONTHS PRIOR TO THE LAST DAY OF REGISTRATION FOR THE TERM WHICH THE STUDENT IS SEEKING CLASSIFICATION AS AN IN-STATE RESIDENT FOR TUITION PURPOSES. THE STUDENT CLAIMING RESIDENCY STATUS UNDER THIS PROVISION IS REQUIRED TO:
- a. PROVIDE A COPY OF THE MILITARY FORM DD-2058 OF THE SERVICE MEMBER WHICH VERIFIES THE SERVICE MEMBER'S STATE OF LEGAL RESIDENCE; AND
 - b. IF APPLICABLE, PROVIDE EVIDENCE OF HAVING FILED AN ARIZONA RESIDENT INCOME TAX RETURN WITH THE ARIZONA DEPARTMENT OF REVENUE FOR THE PRIOR TAX YEAR ON ALL INCOME FROM ALL SOURCES.
8. THE STUDENT HOLDS AN HONORABLE DISCHARGE FROM THE UNIFORMED SERVICES OF THE UNITED STATES FROM EITHER ACTIVE DUTY OR RESERVE OR NATIONAL GUARD STATUS, OR HAS RETIRED FROM ACTIVE DUTY OR RESERVE

EXECUTIVE SUMMARY

OR NATIONAL GUARD STATUS AND HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION, OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:

- i. REGISTRATION TO VOTE IN ARIZONA.
- ii. AN ARIZONA DRIVER LICENSE.
- iii. ARIZONA MOTOR VEHICLE REGISTRATION.
- iv. EMPLOYMENT HISTORY IN ARIZONA.
- v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.
- vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
- vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.

THE STUDENT SHALL BE GRANTED IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND, WHILE CONTINUOUSLY ENROLLED, DOES NOT LOSE IN-STATE STUDENT CLASSIFICATION

9. THE STUDENT IS A VETERAN AS DEFINED IN TITLE 38 OF THE UNITED STATES CODE WHO, WHILE USING EDUCATION ASSISTANCE UNDER 38 UNITED STATES CODE CHAPTER 30 OR 33, ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AFTER THE VETERAN'S DISCHARGE FROM ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR WHO REMAINS CONTINUOUSLY ENROLLED FOLLOWING THE STUDENT'S DISCHARGE AND THE STUDENT HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION, OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:

EXECUTIVE SUMMARY

- i. REGISTRATION TO VOTE IN ARIZONA.
- ii. AN ARIZONA DRIVER LICENSE.
- iii. ARIZONA MOTOR VEHICLE REGISTRATION.
- iv. EMPLOYMENT HISTORY IN ARIZONA.
- v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.
- vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
- vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.

THE STUDENT SHALL BE GRANTED IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND, WHILE CONTINUOUSLY ENROLLED, DOES NOT LOSE IN-STATE STUDENT CLASSIFICATION

10. THE STUDENT, WHILE USING BENEFITS UNDER THE MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP PRESCRIBED IN 38 UNITED STATES CODE SECTION 3311(B)(9), ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION, OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:
 - i. REGISTRATION TO VOTE IN ARIZONA.
 - ii. AN ARIZONA DRIVER LICENSE.
 - iii. ARIZONA MOTOR VEHICLE REGISTRATION.
 - iv. EMPLOYMENT HISTORY IN ARIZONA.
 - v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.

EXECUTIVE SUMMARY

- vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
- vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.

THE STUDENT SHALL BE GRANTED IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND, WHILE CONTINUOUSLY ENROLLED, DOES NOT LOSE IN-STATE STUDENT CLASSIFICATION

- 11. THE STUDENT, WHILE USING TRANSFERRED POST/911 G.I. BILL BENEFITS PURSUANT TO 38 UNITED STATES CODE SECTION 3319 DURING A TIME IN WHICH THE TRANSFEROR IS A MEMBER OF THE UNIFORMED SERVICES SERVING ON ACTIVE DUTY, ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION, OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:

- i. REGISTRATION TO VOTE IN ARIZONA.
- ii. AN ARIZONA DRIVER LICENSE.
- iii. ARIZONA MOTOR VEHICLE REGISTRATION.
- iv. EMPLOYMENT HISTORY IN ARIZONA.
- v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.
- vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
- vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.

THE STUDENT SHALL BE GRANTED IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND, WHILE

EXECUTIVE SUMMARY

CONTINUOUSLY ENROLLED, DOES NOT LOSE IN-STATE STUDENT CLASSIFICATION

12. THE STUDENT DOES NOT MEET THE REQUIREMENTS SET FORTH IN SECTION D.9 OR D.10 AND, WHILE USING EDUCATIONAL ASSISTANCE UNDER 38 UNITED STATES CODE CHAPTER 30 OR 33, ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AFTER THE VETERAN'S DISCHARGE FROM ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR REMAINS CONTINUOUSLY ENROLLED FOLLOWING THE STUDENT'S DISCHARGE, AND THE STUDENT HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION, OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:
 - i. REGISTRATION TO VOTE IN ARIZONA.
 - ii. AN ARIZONA DRIVER LICENSE.
 - iii. ARIZONA MOTOR VEHICLE REGISTRATION.
 - iv. EMPLOYMENT HISTORY IN ARIZONA.
 - v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.
 - vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
 - vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.

THE STUDENT SHALL BE GRANTED IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND, WHILE CONTINUOUSLY ENROLLED, DOES NOT LOSE IN-STATE STUDENT CLASSIFICATION.

13. THE STUDENT IS OTHERWISE DESCRIBED IN 38 UNITED STATES CODE SECTION 3679(C) AND HAS DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF ARIZONA. FOR THE PURPOSES OF THIS SUBSECTION,

EXECUTIVE SUMMARY

OBJECTIVE EVIDENCE OF INTENT INCLUDES AT LEAST ONE OF THE FOLLOWING:

- i. REGISTRATION TO VOTE IN ARIZONA.
 - ii. AN ARIZONA DRIVER LICENSE.
 - iii. ARIZONA MOTOR VEHICLE REGISTRATION.
 - iv. EMPLOYMENT HISTORY IN ARIZONA.
 - v. TRANSFER OF MAJOR BANKING SERVICES TO ARIZONA.
 - vi. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
 - vii. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR RESIDENCY STATUS.
14. THE STUDENT IS AN ENROLLED MEMBER OF AN INDIAN TRIBE RECOGNIZED BY THE UNITED STATES DEPARTMENT OF INTERIOR WHOSE RESERVATION LAND LIES WHOLLY OR PARTIALLY IN ARIZONA AND EXTENDS INTO ANOTHER STATE AND IS A RESIDENT OF THE RESERVATION. FOR PURPOSES OF RESIDENCY CLASSIFICATION, ENROLLMENT AS A TRIBAL MEMBER IN A FEDERALLY RECOGNIZED TRIBE WHOSE RESERVATION LAND LIES WHOLLY OR PARTIALLY IN ARIZONA WILL BE SUFFICIENT TO ESTABLISH RESIDENCY FOR TUITION PURPOSES.
 15. THE STUDENT HAS PARTICIPATED IN THE AMERICORPS PROGRAM OR THE VOLUNTEERS IN SERVICE TO AMERICA PROGRAM FOR AT LEAST ONE YEAR IN ARIZONA.
 16. THE STUDENT IS DOMICILED WITHIN 75 MILES OF THE ARIZONA BORDER IN CLARK COUNTY, NEVADA OR IN WASHINGTON OR KANE COUNTIES, UTAH, OR IN SAN BERNARDINO, IMPERIAL, OR RIVERSIDE COUNTIES IN CALIFORNIA, INCLUDING THE CITIES OF NEEDLES, BLYTHE, EL CENTRO, BRAWLEY, AND WINTER HAVEN, AND IS ENROLLING IN A TOTAL OF NO MORE THAN 6 CREDIT HOURS PER SEMESTER OFFERED IN MOHAVE, LA PAZ, OR YUMA

EXECUTIVE SUMMARY

COUNTIES, ARIZONA BY A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS; OR THE STUDENT IS DOMICILED WITHIN 75 MILES OF THE ARIZONA BORDER IN GRANT, HIDALGO, OR LUNA COUNTIES IN NEW MEXICO AND IS ENROLLING IN A TOTAL OF NO MORE THAN 6 CREDIT HOURS PER SEMESTER OFFERED IN COCHISE COUNTY, ARIZONA BY A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS. THIS PROGRAM IS DESIGNED TO REDUCE EXCESS CAPACITY; THEREFORE, THE PRESIDENTS OF THE UNIVERSITIES SHALL ASSURE THAT CLASSIFYING THE STUDENT AS A RESIDENT IN THEIR RESPECTIVE PROGRAMS DOES NOT RESULT IN DENYING COURSE OFFERINGS TO ARIZONA RESIDENTS OR RESULT IN ADDITIONAL EXPENDITURES BEING REQUIRED FOR COURSE OFFERINGS.

17. THE STUDENT IS A DOCTORAL GRADUATE STUDENT WHO IS A CANDIDATE FOR A DEGREE, HAVING COMPLETED ALL REQUIREMENTS FOR THE DEGREE EXCEPT THE DISSERTATION, AND WHO QUALIFIED AS A RESIDENT STUDENT IMMEDIATELY PRIOR TO BEING ELIGIBLE TO BEGIN THE DISSERTATION.
 18. THE STUDENT IS A GRADUATE ASSISTANT OR GRADUATE ASSOCIATE AT A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS WHOSE ASSIGNED TEACHING OR RESEARCH RESPONSIBILITIES MEET THE GUIDELINES ESTABLISHED BY THE UNIVERSITY FOR DESIGNATION AS A RESIDENT STUDENT.
- D. SUBJECT TO ABOR POLICY 4-102, A STUDENT WHO DOES NOT HOLD A VISA THAT REQUIRES THE STUDENT TO MAINTAIN A FOREIGN DOMICILE OR THAT OTHERWISE PROHIBITS ESTABLISHING DOMICILE IN ARIZONA SHALL BE CLASSIFIED AS A RESIDENT IF THE STUDENT CAN ESTABLISH THAT, ON OR BEFORE THE LAST DAY OF REGISTRATION, THE STUDENT SATISFIED ONE OF THE FOLLOWING CRITERIA:
1. MEETS THE REQUIREMENTS FOR CLASSIFICATION AS A RESIDENT FOR TUITION PURPOSES AS SET FORTH ABOVE; OR
 2. QUALIFIES AS A RESIDENT REFUGEE STUDENT BY VIRTUE OF HAVING BEEN GRANTED REFUGEE STATUS IN

EXECUTIVE SUMMARY

ACCORDANCE WITH ALL APPLICABLE LAWS OF THE UNITED STATES AND HAVING ESTABLISHED DOMICILE IN ARIZONA AS SET FORTH IN SECTION B.2 ABOVE; PROVIDED THAT IN ESTABLISHING DOMICILE, THE STUDENT MUST NOT HOLD A VISA THAT PROHIBITS ESTABLISHING DOMICILE IN ARIZONA.

- E. SUBJECT TO ABOR POLICY 4-102 (NONRESIDENT TUITION), A FULL-TIME STUDENT ADMITTED AND ENROLLED AT A UNIVERSITY WHO OBTAINS RESIDENT STATUS BY VIRTUE OF ABOR POLICY 4-203 DOES NOT LOSE RESIDENT STATUS WHILE IN CONTINUOUS ATTENDANCE TOWARD THE DEGREE FOR WHICH CURRENTLY ENROLLED.

- F. THE DOMICILE OF AN UNEMANCIPATED PERSON IS THAT OF EITHER PARENT. SUBJECT TO ABOR POLICY 4-102 (NONRESIDENT TUITION), ANY UNEMANCIPATED PERSON WHO IS A STUDENT ADMITTED AND ENROLLED AT A UNIVERSITY AND WHO REMAINS IN THIS STATE WHEN THE PERSON'S PARENT, WHO HAD BEEN DOMICILED IN THIS STATE, REMOVES FROM THIS STATE DOES NOT LOSE RESIDENT STATUS WHILE IN CONTINUOUS ATTENDANCE TOWARD THE DEGREE FOR WHICH CURRENTLY ENROLLED.

- G. ALL STUDENTS HAVE TO PROVIDE EVIDENCE TO DEMONSTRATE IN-STATE RESIDENCY FOR TUITION PURPOSES. WHEN THE UNIVERSITIES CONSIDER EVIDENCE FOR RESIDENCY CLASSIFICATION, THEY BEGIN WITH FOUR PRESUMPTIONS:
 - 1. A NON-RESIDENT STUDENT'S PRESENCE IN ARIZONA IS PRIMARILY FOR THE PURPOSE OF EDUCATION AND NOT TO ESTABLISH DOMICILE;
 - 2. AN INDIVIDUAL CANNOT ESTABLISH RESIDENCY OR DOMICILE WHILE IN ARIZONA PRIMARILY FOR THE PURPOSES OF EDUCATION;
 - 3. AN INDIVIDUAL CANNOT ESTABLISH RESIDENCY FOR TUITION PURPOSES WHILE ATTENDING AN EDUCATIONAL INSTITUTION IN ARIZONA AS A FULL-TIME STUDENT;
 - 4. DECISIONS OF AN INDIVIDUAL AS TO THE ESTABLISHMENT OF RESIDENCY AND DOMICILE ARE GENERALLY MADE

EXECUTIVE SUMMARY

AFTER THE COMPLETION OF AN EDUCATION, AND NOT BEFORE.

- H. EVIDENCE BEING REVIEWED TO DETERMINE A STUDENT'S RESIDENCY STATUS, WHETHER BY A CLASSIFICATION OFFICER OR A HEARING REVIEW COMMITTEE, WHEN THE STUDENT REQUESTS REVIEW OF A RESIDENCY CLASSIFICATION, WILL BE EVALUATED AS DESCRIBED BELOW:
1. ALL INFORMATION PROVIDED BY THE STUDENT SHALL BE SUBJECT TO THE CLASSIFICATION OFFICER'S OR HEARING REVIEW COMMITTEE'S DECISION AS TO THE WEIGHT TO BE GIVEN TO IT, AND SUCH OFFICER OR COMMITTEE SHALL BE THE SOLE JUDGE OF THE AUTHENTICITY OR TRUTHFULNESS OF ANY MATERIAL OR STATEMENTS SUBMITTED AS SUPPORTIVE EVIDENCE. THE CLASSIFICATION OFFICER MAY REQUIRE ORIGINAL OR CERTIFIED COPIES OF DOCUMENTATION.
 2. IF THE STUDENT IS ABSENT FROM ARIZONA FOR MORE THAN 30 TOTAL DAYS DURING THE 12 MONTHS IMMEDIATELY PRECEDING THE LAST DAY OF REGISTRATION, THIS CREATES A REBUTTABLE PRESUMPTION THAT THE STUDENT IS NOT DOMICILED IN OR A RESIDENT OF ARIZONA. A STUDENT MAY REBUT THIS PRESUMPTION WITH OBJECTIVE EVIDENCE THAT THEY RETAINED THEIR ARIZONA DOMICILE AND RESIDENCE DESPITE THEIR ABSENCE(S).
 3. EVIDENCE OFFERED TO ESTABLISH ARIZONA RESIDENCY AND DOMICILE MUST REFLECT THAT THE STUDENT INTENDED TO ESTABLISH RESIDENCY AND DOMICILE IN ARIZONA THROUGHOUT THE REQUIRED 12-MONTH PERIOD OF CONTINUOUS PHYSICAL PRESENCE. ACTS OR EVENTS OCCURRING LESS THAN 12 MONTHS BEFORE THE LAST DAY OF REGISTRATION FOR THE TERM WHICH THE STUDENT IS SEEKING CLASSIFICATION AS AN IN-STATE RESIDENT FOR TUITION PURPOSES MAY BE CONSIDERED EVIDENCE THAT RESIDENCY OR DOMICILE HAS NOT BEEN ESTABLISHED.
 4. A STATEMENT OF INTENT BY THE STUDENT SHOULD BE WEIGHED IN LIGHT OF THE FACT THAT THE STUDENT KNOWS THAT THE STUDENT WILL REALIZE A SUBSTANTIAL

EXECUTIVE SUMMARY

REDUCTION IN TUITION BY BEING CLASSIFIED AS A RESIDENT FOR TUITION PURPOSES.

5. THE DOMICILE OF AN UNEMANCIPATED PERSON IS THAT OF THE PERSON'S PARENT.
 6. IF A MINOR APPLIES FOR CLASSIFICATION AS A RESIDENT AND ALLEGES THAT THE MINOR IS EMANCIPATED, IN ADDITION TO THE REQUIREMENTS ABOVE, THAT MINOR MUST ALSO ESTABLISH VIA OBJECTIVE EVIDENCE THAT:
 - a. THE MINOR IS NOT LIVING WITH A PARENT; AND
 - b. THERE HAS BEEN A COMPLETE SEVERANCE OF THE PARENTAL RELATIONSHIP TO ALL LEGAL RIGHTS AND LIABILITIES, INCLUDING BUT NOT LIMITED TO CARE, CUSTODY, CONTROL, AND SERVICE.
 7. ONCE ESTABLISHED, RESIDENCY FOR TUITION PURPOSES IS NOT LOST DUE ONLY TO THE STUDENT'S RECEIPT OF FUNDS FROM A SOURCE OUTSIDE ARIZONA.
 8. THE CLASSIFICATION OF A MATRICULATED STUDENT IS TRANSFERABLE FROM ONE UNIVERSITY TO ANOTHER.
- I. ANY STUDENT FOUND TO HAVE MADE A FALSE OR MISLEADING STATEMENT CONCERNING DOMICILE OR TUITION STATUS SHALL BE SUBJECT TO DISMISSAL FROM THE UNIVERSITY AND BE HELD RESPONSIBLE FOR THE PAYMENT OF ANY TUITION AMOUNTS THAT WOULD HAVE BEEN CHARGED BUT FOR THE FALSE OR MISLEADING STATEMENT.

EXECUTIVE SUMMARY

4-205 Residency Classification Appeal REVIEW Procedures

~~If an individual believes he or she has met all of the residency requirements and has applied for reclassification and been denied, they~~ A STUDENT may request ~~an appeal~~ A REVIEW OF A RESIDENCY CLASSIFICATION BY THE RESIDENCY OFFICER BY REQUESTING A REVIEW of the ~~nonresident~~ NON-RESIDENT classification.

- A. The university residency classification ~~appeal~~ REVIEW system shall consist of one or more committees. Each committee shall consist of at least three voting members appointed by the president of the university for a term of one fiscal year. Members may be reappointed by the president. The president shall determine the number of committees required to expeditiously conduct review hearings.
- B. The president shall designate a chair for each ~~committee, who shall serve at the pleasure of the president.~~ REVIEW HEARING. Members of each committee may include representatives from the faculty, administration, staff, professionals, and student body of the university. Residency classification officers shall not serve as members of a ANY REVIEW committee. The president may also appoint alternates who shall serve in place of a regular committee member at any REVIEW hearing at which ~~such~~ A regular member may be absent or disqualified.
- C. At least three committee members, including any alternates, must be present to conduct a REVIEW hearing and render a decision ~~in an appeal of~~ REGARDING THE STUDENT'S REQUEST TO REVIEW a residency classification determination.
- D. A request for ~~appeal~~ A REVIEW HEARING by ~~an individual~~ A STUDENT classified as a ~~nonresident~~ NON-RESIDENT shall be filed with the classification officer, OR OTHER INDIVIDUAL DESIGNATED BY THE UNIVERSITY TO RECEIVE REQUESTS, no later than 35 CALENDAR days ~~from~~ AFTER the last day of registration. FOR THE TERM FOR WHICH THE STUDENT IS SEEKING CLASSIFICATION AS AN IN-STATE RESIDENT. The request shall be in writing, signed by the ~~individual~~ STUDENT and shall include: (a) the ~~individual's~~ STUDENT'S current mailing address; (b) the reasons why the ~~individual~~ STUDENT is challenging the classification determination; and (c) a signed statement setting forth all facts in support of the ~~individual's~~ STUDENT'S claim that the classification determination is erroneous.

EXECUTIVE SUMMARY

- E. Failure to file a request for ~~appeal~~A REVIEW HEARING within the time prescribed shall constitute a waiver of the right to request ~~an appeal~~A REVIEW HEARING AND THE RESIDENCY CLASSIFICATION OFFICER'S DETERMINATION SHALL BE FINAL.
- F. The ~~appeal~~ REVIEW HEARING committee shall schedule a hearing within a reasonable time after receipt of ~~request for an appeal~~A REQUEST FOR REVIEW and shall provide the ~~individual~~STUDENT with written notice of the date, time, and place of the ~~meeting~~REVIEW HEARING at least seven days prior to the ~~meeting~~HEARING. Such notice may be made personally or by ~~certified mail and~~ email to the ~~current address listed by the student with the university~~UNIVERSITY EMAIL ADDRESS ASSIGNED TO THE STUDENT BY THE UNIVERSITY.
- G. The ~~individual~~STUDENT shall have the right to appear and may be represented by an advisor of ~~his or her~~THE STUDENT'S choice at the ~~individual's~~STUDENT'S expense. If the ~~individual~~STUDENT, without valid excuse or prior authorization, fails to appear, the committee may determine the matter on the basis of evidence before it. The ~~individual~~STUDENT or the ~~individual's~~STUDENT'S advisor, but not both, may examine and cross-examine witnesses and summarize the evidence in final argument to the committee.
- H. Every document filed with the university relating to residency classification of the ~~individual~~STUDENT shall constitute a part of the record. The committee shall also hear any relevant evidence, which the ~~individual~~STUDENT or the university wishes to present. THE UNIVERSITY MAY SET A DEADLINE BEFORE WHICH ALL EVIDENCE MUST BE SUBMITTED TO THE REVIEW COMMITTEE AND THE OTHER PARTY.
- I. Formal rules of evidence shall not apply. The committee shall receive and consider oral and documentary evidence of the kind on which responsible individuals are accustomed to rely in serious matters. The committee may exclude evidence that is cumulative or repetitious, and will determine the credibility or weight to be given to the evidence presented.
- J. The proceedings of the committee shall be recorded. Any copies of the record, or copies of a transcript if one is created, desired by the ~~individual~~STUDENT shall be at the ~~individual's~~STUDENT'S expense.
- K. The order of presentation shall be determined by the committee.
- L. The committee may make such rules for the conduct of hearings as are not inconsistent with these procedures.

EXECUTIVE SUMMARY

- M. The decision of the committee shall be final and not subject to further administrative review. The decision may be made by the committee at the time of the REVIEW hearing, or the committee may take the matter under advisement in which case the matter shall be decided within ten CALENDAR days, EXCLUDING SATURDAY, SUNDAY AND UNIVERSITY RECOGNIZED HOLIDAYS, following the REVIEW hearing.
- N. Written notice of the decision of the committee shall be promptly sent by ~~certified mail and email~~ to the ~~individual's current~~ EMAIL address ~~filed with the university~~ ASSIGNED TO THE STUDENT BY THE UNIVERSITY.
1. If the committee determines that the ~~individual~~ STUDENT should be classified as a resident, it shall direct the classification officer of the university to so classify the ~~individual~~ STUDENT. The university shall refund to the ~~individual~~ STUDENT the difference between the non-resident and resident tuition collected as a result of the ~~nonresident~~ NON-RESIDENT classification for the current semester. If the ~~individual files to appeal~~ STUDENT REQUESTS A REVIEW HEARING REGARDING the initial classification of residency (upon admission) within the first term of attendance and the ~~individual~~ STUDENT is successful, ~~in that appeal~~, any different DIFFERENCE between the in-state and out-of-state application fee paid by the ~~individual~~ STUDENT will also be refunded.
 2. If it is determined that the ~~individual~~ STUDENT is a ~~nonresident~~ NON-RESIDENT, the written notice shall advise the ~~individual~~ STUDENT that no further procedures within the university are available; the ~~individual~~ STUDENT may have the right to judicial review in the state courts; the time to pursue any legal action may be short; and, if the ~~individual~~ STUDENT wishes to pursue legal action, the ~~individual~~ STUDENT should seek legal counsel.

EXECUTIVE SUMMARY

4-206 Miscellaneous Provisions

REPEALED

~~A. The classification of a matriculated student is transferable from one university to another.~~

~~B. Any student found to have made a false or misleading statement concerning domicile or tuition status shall be subject to dismissal from the university and be held responsible for the payment of any tuition amounts that would have been charged but for the false or misleading statement.~~