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4-205 Residency Classification Appeal Procedures

If an individual believes he or she has met all of the residency requirements and has applied for reclassification and been denied, they may request an appeal of the nonresident classification.

- A. The university residency classification appeal 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. 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 committee. The president may also appoint alternates who shall serve in place of a regular committee member at any hearing at which such regular member may be absent or disqualified.
- C. At least three committee members, including any alternates, must be present to conduct a hearing and render a decision in an appeal of a residency classification determination.
- D. A request for appeal by an individual classified as a nonresident shall be filed with the classification officer no later than 35 days from the last day of registration. The request shall be in writing, signed by the individual and shall include (a) the individual's current mailing address; (b) the reasons why the individual is challenging the classification determination; and (c) a signed statement setting forth all facts in support of the individual's claim that the classification determination is erroneous.
- E. Failure to file a request for appeal within the time prescribed shall constitute a waiver of the right to request an appeal.
- F. The appeal committee shall schedule a hearing within a reasonable time after receipt of request for an appeal and shall provide the individual with written notice of the date, time and place of the meeting at least seven

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days prior to the meeting. Such notice may be made personally or by certified mail and email to the current address listed by the student with the university.

- G. The individual shall have the right to appear and may be represented by an advisor of his or her choice at the individual's expense. If the individual, without valid excuse or prior authorization, fails to appear, the committee may determine the matter on the basis of evidence before it. The individual or the individual'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 shall constitute a part of the record. The committee shall also hear any relevant evidence, which the individual or the university wishes to present.
- 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 shall be at the individual'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.
- 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 hearing, or the committee may take the matter under advisement in which case the matter shall be decided within ten days following the hearing.

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- N. Written notice of the decision of the committee shall be promptly sent by certified mail and email to the individual's current address filed with the university.
1. If the committee determines that the individual should be classified as a resident, it shall direct the classification officer of the university to so classify the individual. The university shall refund to the individual the difference between the non-resident and resident tuition collected as a result of the nonresident classification for the current semester. If the individual files to appeal the initial classification of residency (upon admission) within the first term of attendance and the individual is successful in that appeal, any difference between the in-state and out-of-state application fee paid by the individual will also be refunded.
 2. If it is determined that the individual is a nonresident, the written notice shall advise the individual that no further procedures within the university are available; the individual 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 wishes to pursue legal action, the individual should seek legal counsel.