



## Manual of Policy and Procedures

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| <p>Title</p> <p><b>POLICY ON DETERMINATION OF IN-STATE RESIDENCY FOR TUITION PURPOSES</b></p> | <p>Number</p> <p>301</p>                    | <p>Page</p> <p>1 of 3</p> |
|   | <p>Date</p> <p><b>February 25, 2019</b></p> |                           |

### PURPOSE

The Vermont State Colleges charges different tuition rates to in- and out-of-state students. Therefore, criteria and procedures to determine in-state residency for tuition purposes are required.

### STATEMENT OF POLICY

The following requirements must be met by a student prior to being granted resident status for the purpose of tuition and other VSC charges:

- 1) The student shall be domiciled in Vermont, said domicile having been continuous for one year immediately prior to the date of enrollment. Domicile shall mean a person's true, fixed and permanent home, to which he/she intends to return when absent. Domicile shall not be dependent upon a person's marital status. Although domicile may have been established, a student is presumed to be an out-of-state resident for tuition purposes if he or she moved to Vermont or continues residence in Vermont for the purpose of attending a Vermont institution of higher learning or qualifying for resident status for tuition purposes. Such presumption is rebuttable.
- 2) The student must demonstrate such attachment to the community as would be typical of a permanent resident of his/her age and education. The College's chief admissions officer shall consider in the determination of residency for tuition purposes, among other factors: voter registration, property ownership, payment of income and property taxes, automobile registration and driver's license.
- 3) Receipt of significant financial support from the student's family will create a rebuttable presumption that the student's residence is with his/her family. A student who has not reached the age of eighteen shall be presumed to hold the residence of his or her parents or legal guardian. The presumption shall be rebuttable.
- 4) A student who moves into Vermont within one year of enrollment shall be presumed to have moved to Vermont for the purposes of attending a Vermont institution of higher

learning and qualifying for resident status for tuition purposes. This presumption shall be rebuttable.

- 5) A student who is eligible for tuition purposes to enroll as a resident student in another state shall not be enrolled as a "Vermont Resident." The inability to enroll as a resident student in another state does not by itself establish residency in Vermont for tuition purposes. Additionally, a domicile or residency classification assigned by a public or private authority neither qualifies nor disqualifies a student for in-state residency status at a member College. However, such classification may be taken into consideration by the chief admissions officer.
- 6) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes at the start of the next semester or academic period where:
  - a. The student, in accordance with 16 V.S.A. § 2185, is a member of the Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education; or
  - b. The student is eligible for in-state tuition and fees, as of July 1, 2017,<sup>1</sup> because the student:
    - i. is a veteran who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of discharge from a period of active duty service of ninety days or more;
    - ii. is anyone using a veteran's transferred benefits, who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of the transferor veteran's discharge from a period of active duty service of ninety days or more;
    - iii. is anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who lives in Vermont (regardless of the student's formal state of residence);
    - iv. is anyone using a veteran's transferred benefits, who lives in Vermont (regardless of the student's formal state of residence) while the transferor is a member of the uniformed services serving on active duty; or
    - v. as of March 1, 2019, is anyone using educational assistance under 38 U.S.C. §§ 3100-3122 (Chapter 31, Training and Rehabilitation for Veterans with Service-Connected Disabilities).

After the expiration of the three year period following discharge or death, as described in 38 U.S.C. § 3679(c), a student who initially qualifies under subsection (i) and (ii) will continue to be eligible for

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<sup>1</sup> The students described in sub-sections (i) and (ii), as well as some of those described in sub-section (iii), are eligible for in-state tuition and fees, prior to July 1, 2017, in accordance with Section 702 of the Veterans Access, Choice and Accountability Act of 2014.

in-state tuition and fees as long as the student remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at a member College, even if the student enrolls in multiple programs.

- 7) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes if:
- a. After January 1, 2015, the student has earned:
    - i. a high school diploma; or
    - ii. a secondary school equivalency certificate based on successful completion of General Education Development tests;
 and
  - b. At the time the student earned a diploma or certificate under subsection (a), the primary legal residence of the student, or the student's parent(s) or guardian(s) if the student was under age 18, was in Vermont; and
  - c. The student is and remains domiciled in Vermont at the time the student enrolls at the Vermont State Colleges. Domicile shall mean a person's true, fixed and permanent home, to which he/she intends to return when absent. Domicile shall not be dependent upon a person's marital status.
- Eligibility for in-state tuition under this paragraph shall not necessarily constitute in-state residency for any other purpose within or outside the VSC system.
- 8) A student enrolling at the Vermont State Colleges shall be classified by the College's chief admissions officer as a resident or non-resident for tuition purposes. The decision by the officer shall be based upon information furnished by the student and other relevant information. The officer is authorized to require such written documents, affidavits, verifications or other evidence as he/she deems necessary.
- 9) The burden of proof shall, in all cases, rest upon the student claiming to be a Vermont resident for tuition purposes by clear and convincing evidence.
- 10) Changes in residency status for tuition purposes shall become effective for the semester following the date of reclassification.
- 11) A student with resident status for tuition purposes will lose that status if he/she, at any time, fails to meet the above requirements.
- 12) The decision of the College's chief admissions officer on the classification of a student as a resident or non-resident for tuition purposes may be appealed in writing to the College's Dean of Administration. Further appeal of a classification of a student's residency for tuition purposes may be made in writing to the Office of the Chancellor. The decision of the Office of the Chancellor shall be final.
- 13) An applicant for admission or enrollment may obtain a determination of residency status for tuition purposes in accordance with the above criteria and procedures in advance of admission or enrollment.

Signed by: \_\_\_\_\_  
Chancellor