



Manual of Policies and Procedures

Title	Number 301	Page 1 of 4
POLICY ON DETERMINATION OF IN-STATE RESIDENCY FOR TUITION PURPOSES	Date 8/12/2024	

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. The Vermont State Colleges does not discriminate against or exclude a person based solely on the person’s immigration status if such person would otherwise qualify for and meet requirements for Vermont residency for in-state tuition purposes.

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 they intend 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 they moved to Vermont or continue 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 their age and education. The Institution’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 their family. A student who has not

reached the age of eighteen shall be presumed to hold the residence of their 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 Institution. 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 August 1, 2021, 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 Institution;
 - 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 Institution;
 - 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;
 - 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); or
 - vi. as of August 1, 2022, is anyone using benefits for dependents and survivors under 38 U.S.C. §§ 3500-3566 (Chapter 35).
- 7) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes as of June 1, 2022 where, in accordance with 16 V.S.A. § 2185 the student:

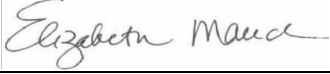
- a. qualifies as a refugee pursuant to 8 U.S.C. 1101(a)(42); or
 - b. is granted parole to enter the United States pursuant to 8 U.S.C. 1182(d)(5);
 - c. is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, as amended.
- 8) Notwithstanding paragraphs 1-5, a student 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 they intend 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.

- 9) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes if required by any federal or Vermont law.¹
- 10) A student enrolling at the Vermont State Colleges shall be classified by the Institution'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 they deem necessary.
- 11) 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.
- 12) Changes in residency status for tuition purposes shall become effective for the semester following the date of reclassification.
- 13) A student with resident status for tuition purposes will lose that status if they, at any time, fail to meet the above requirements.
- 14) The decision of the Institution'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 Institution'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.

¹ Including but not limited to U.S. Public Law 118-42 (Section 209(b)(1)(E) of Title II of Division G of the Consolidated Appropriations Act of 2024) and Vermont Act No. 136 (2024) (An act related to new American educational grant opportunities).

15) 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: _____  _____ Elizabeth Mauch, Chancellor
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Date	Version	Revision	Approved By
08/07/1981	1.0	Adopted	VSCS Board of Trustees
10/20/2006	2.0	Update	VSCS Board of Trustees
10/25/2007	3.0	Update	VSCS Board of Trustees
02/19/2015	4.0	Update	VSCS Board of Trustees
06/11/2015	5.0	Update	VSCS Board of Trustees
03/25/2017	6.0	Update	VSCS Board of Trustees
03/24/2018	7.0	Update	VSCS Board of Trustees
02/25/2019	8.0	Update	VSCS Board of Trustees
08/04/2021	9.0	Update	VSCS Board of Trustees
06/16/2022	10.0	Update	VSCS Board of Trustees
08/12/2024	11.0	Update	VSCS Board of Trustees