

Residency Requirements for Tuition Purposes

Effective date: Spring 2015

Applicable to: Students first admitted to the University as of Spring 2015 and thereafter.

A student enrolling at Ferris State University shall be classified as a "resident" or "non-resident" student for the purposes of administering admission, fees, and tuition charges. It is the student's responsibility to register under the proper "resident" or "non-resident". If a student has a question regarding his/her classification, the student should contact Enrollment Services at least one month before registering.

The following regulations set forth the major points governing determination of "resident" and "non-resident" status and the payment of "resident" and "non-resident" tuition.

I. General Provisions

- A. Students who are domiciled in Michigan are eligible to be classified as "resident" for tuition purposes.
 - 1. For University purposes, "domicile" is defined as the place where an individual intends his/her true, fixed and permanent home and principal establishment to be, and to which the individual intends to return whenever he/she is absent from the University.
 - 2. An individual whose activities and circumstances, as documented to the University, demonstrate that he/she is domiciled in Michigan will be eligible for classification as a "resident" student. An individual whose presence in the state is based on activities or circumstances that are indeterminate or temporary, such as (but not limited to) educational pursuits, will be presumed not to be domiciled in Michigan and will be classified as a "non-resident". In order to rebut this presumption, the burden of proof is on the student to demonstrate by clear and convincing evidence that he/she is domiciled in Michigan and, thus, eligible for "resident" classification.
- B. For tuition classification purposes:
 - 1. A student is presumed to be a dependent of his/her parents if the student is 24 years of age or younger and (a) has been involved primarily in educational pursuits, or (b) has not been entirely financially self-supporting.
 - 2. The domicile of a minor or dependent student is presumed to be the same as that of the student's natural parents. If only one parent is domiciled in Michigan, the student will be presumed to be a Michigan domiciliary regardless of whether that parent is the student's custodial parent.
 - 3. The domicile of a dependent student's legal guardian will be presumed to have the same evidentiary effect as that of a dependent student's parent, and references to parents in these regulations shall include legal guardians, only when (a) the student is the dependent of the legal guardian, and (b) such

guardianship has been established due to the complete incapacity or death of the student's parent(s). A parent's inability to provide funds necessary to support a college education shall not qualify as complete incapacity.

Before it grants a student "resident" status for tuition purposes, the University will usually require that student to have continuously resided in Michigan for one year immediately preceding the first day of classes of the term in which the student is applying for "resident" classification. The year of continuous presence is never the only criterion used for determining "resident" classification and, in itself, will not qualify a student for "resident" status. Nor will a student's failure to have continuously resided in Michigan for one year automatically prevent the student from obtaining "resident" status. If the student presents clear and convincing evidence which demonstrates the establishment by the student of a Michigan domicile, the student will be eligible for "resident" classification even if the student has not resided in Michigan continuously for one year prior to the first day of classes in the applicable term.

II. Establishing Michigan Domicile

An applicant or student may provide any and all evidence that he/she believes will prove that he/she is domiciled in Michigan. No one type of evidence will be considered dispositive of the issue of domicile. Rather, the University will consider all of the evidence provided to it concerning a claim of domicile.

Circumstances which may demonstrate Michigan domicile: The following circumstances and activities, though not conclusive, may lend support to a claim to eligibility for in-state classification. This is not an exhaustive list.

- In the case of a dependent student:
 - At least one parent domiciled in Michigan, as demonstrated by the parent's permanent employment, establishment of a household and severance of out-of-state ties.
- In the case of an independent student:
 - Student employed in Michigan in a full-time, permanent job, provided that the student's employment is the primary purpose for the student's presence in Michigan.
 - Student's spouse employed in Michigan in a full-time, permanent job provided that the spouse's employment is the primary purpose for the student's presence in Michigan.

An independent student may be granted "resident" status for tuition-paying purposes, once the student provides evidence of 12 consecutive months (one year) of physical presence in the State of Michigan immediately preceding the first day of classes of the term in which the student is applying for a change in status.

The year of continuous presence is never the only criterion used for determining whether to re-classify a "non-resident" student to "resident" classification and, in itself, will not qualify a student for reclassification to "resident" status for tuition paying purposes at Ferris State University

III. Presumptions of "Resident" Classification

A student will be presumed eligible for "resident" classification in the following circumstances:

1. If a student, or the parent of a dependent student, is domiciled in Michigan but has been temporarily transferred outside Michigan by his/her employer (but has not become domiciled outside Michigan), the student shall be classified as a "resident"
2. An independent "prospective" student who physically resides in Michigan for 12 consecutive months without enrolling in any academic courses at any two-year or four-year degree granting institution may matriculate as a "resident" student immediately.
3. Domicile in Michigan of family, guardian or other relatives or persons legally responsible for the student.
4. Ownership of a home (primary residence) in Michigan.
5. Acceptance of an offer for permanent employment in Michigan.
6. Employment records demonstrating permanent employment in Michigan.
7. In compliance with The Choice Act, Any individual using educational assistance under either Chapter 30 (Montgomery GI Bill® – Active Duty Program), Chapter 33 (Post-9/11 GI Bill®), of title 38, United States Code, and/or the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)) who lives in the State of Michigan while attending Ferris State University (regardless of his/her formal state of residence).
8. Any veteran student or dependent that self-identifies as such and completes the petition with verification of veteran or veteran dependent status.
9. If a student, or the parent of a dependent student, is an active member of the regular armed forces who maintains Michigan as his/her official home of record, is registered to vote in Michigan and files a Michigan income tax return as a resident, the student shall be classified as a "resident".
10. A Student who is a veteran of at least 12 consecutive months of active United States military service (excluding reserve programs) who moves to Michigan within 90 days following an honorable separation from the service with the intent to become a domiciliary of Michigan will be classified as a "resident."
11. In-state tuition will be granted to active duty members of the armed forces of the United States, their spouses and dependents, if the member of the armed forces is a Michigan resident (and has not established residency in another state) or is stationed in Michigan. In-state status will continue to be recognized as long as the spouse or dependent is continually enrolled in the same or current degree program at the University.
12. Long term military commitments in Michigan
13. All Veterans that qualify and receive the Military Veterans Scholarship.

Other factors not mentioned above indicating an intention to make Michigan the student's domicile will be considered by the University in classifying a student on a case by case basis.

The circumstances and activities listed below are temporary or indeterminate and, in and of themselves, do not demonstrate domicile in Michigan. They may however have probative value in support of a claim for residence classification.

1. Military assignment in Michigan
2. Possession of a Michigan driver's license or voter's registration, automobile registration
3. Payment of Michigan income taxes
4. The lease of living quarters.
5. Other public or personal records, e.g., marriage record, tax returns.

IV. Non-Citizen Students

The intent and legal ability to establish domicile in the United States are both required in order for a student to be eligible for "resident" classification at the University. Although a "permanent resident" of the United States is permitted by law to establish domicile in the United States, the University also requires that (s)he demonstrate that (s)he has in fact established a domicile in Michigan in accord with these regulations in order to be eligible to be classified as "resident" for tuition purposes. For purposes of these regulations, a "permanent resident" of the United States is a person in possession of a valid I-551 Alien Registration Receipt Card, a Temporary "I-551" Stamp in his/her passport, or an I-797 Receipt Notice for Form I-485 which can be verified telephonically as active and pending.

Similarly, a person accorded "refugee" or "asylee" status is permitted by law to establish a domicile in the United States. A "refugee" or "asylee" may therefore apply for resident status in accord with these regulations. As with a "permanent resident," the University also requires that a "refugee" or "asylee" demonstrate that (s)he has in fact established a domicile in Michigan in accord with these regulations in order to be eligible to be classified as "resident" for tuition purposes. For purposes of these regulations, a "refugee" or "asylee" is a person in possession of a current I-94 card designating their status as "refugee" or "asylee."

Other non-citizen students who are not "permanent residents," "refugees," or "asylees" may be classified as "resident" for tuition purposes only if they are not precluded by the Immigration and Naturalization Act (8 USC 1101 et seq.) from establishing domicile in the United States. Unauthorized entrants, persons out of status, and many non-immigrant visa entrants are precluded from establishing a domicile in the United States and are therefore ineligible to be classified as "resident" for tuition purposes.

Under current law, persons holding A, E (primary), G, I, K-3/K-4, S, T, U, and V visas may legally establish a domicile in the United States. Persons holding documentation of these listed classifications may, therefore, apply for "resident" status in accord with these regulations. The University intends to update this list of eligible classifications as it becomes aware of changes in the law.

V. Related Information

- a. If a student, or the parent of a dependent student, moves out of Michigan during the time he/she is enrolled at the University, the student's "resident" classification will be maintained as long as he/she continues to be enrolled. If a student moves out of Michigan for more than 12 months while enrolled as a less than full-time student, the student will be reclassified to "non-resident" status, unless the student presents clear and convincing evidence that he/she has maintained his/her domicile in Michigan despite the move.
- b. The "resident" status of a prospective student domiciled in Michigan will not be affected by that student's attendance at a non-Michigan college or university prior to enrolling at Ferris State University.
- c. If the family of a current dependent student or of a prospective dependent student who has completed at least the junior year in high school moves out of Michigan during the time he/she is a student, the student's "resident" classification will be maintained as long as he/she continues to be enrolled on a regular school year basis in a Michigan high school, college or university.
- d. A graduate student is subject to these Regulations; except that a Graduate Assistant will pay "resident" fees during the period of his/her appointment
- e. The domiciliary status of any person, other than a parent, who may furnish funds to a student for payment of University fees, shall not have any presumptive effect on the classification of that student.
- f. If a student has accepted a bonafide offer of permanent, full-time employment in Michigan following graduation, the student may be reclassified to "resident" status for the ensuing semester.

Note to non-resident students:

*Non-resident students are eligible for the MHEC/MSEP rate if they live in one of the following states: Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. This tuition reduction program is NOT available to students enrolled in: Doctor of Pharmacy and Doctor of Optometry. *Canadian Students. The 150% tuition rate is applicable to undergraduate Canadian students entering two-and four year programs, except for the exempted programs of Doctor of Pharmacy and Doctor of Optometry.

The University will correct errors that may occur in classifying a student. Further, the University reserves the right to audit enrolled or prospective students at any time with regard to eligibility for "resident" status and to reclassify students who are registered in an improper classification.

Student's seeking classification as a "resident" at the time of initial enrollment or non-resident students seeking reclassification to "resident" status have the burden of proving, by clear and convincing evidence, that they are domiciled in Michigan.

A student seeking reclassification to "resident" must also demonstrate, by clear and convincing evidence, satisfaction of the one-year durational residency. *** If the student is a minor or dependent (as indicated in General Provisions), these burdens shall be on the person from whom the student derives residence. Determination of domicile shall be based on factors set forth in the preceding sections

Discretion to adjust individual cases within the spirit of these regulations is vested in Enrollment Services

Procedure for Residency Reclassification

These regulations shall be administered by Enrollment Services in accordance with the following residence review procedures:

- a. It shall be the responsibility of the student to register under the proper residence classification and to notify the appropriate University office of possible changes in residence and to furnish all requested information pertinent thereto.
- b. Applications for reclassification shall be filed 30 calendar days before the start of the semester after the student has satisfied the one year of continuous residence requirement.
- c. Any student may appeal the decision made by the Records Office as to residency by taking the following steps within 7 calendar days after date of notification.

When a student files a Request for Classification to Resident Status, the student must submit the following documentation with the **Residency Regulations Petition for Change in Status** request form which may be obtained at the Timme Center for Student Services

- o **for all students:** a copy of the driver's license of the student and, if applicable, of the person or persons upon whom the student is basing the claim to resident status.
- o **for all students:** copies of the front and signature pages of the most recent year's federal and state income tax returns and W2's for the student and, if applicable, of the person or persons upon whom the student is basing the claim to in-state status.
- o **for students born outside the U.S.:** verification of U.S. citizenship or visa status.
- o **for students who are dependents:** copies of the front and signature pages of the most recent year's federal and state income tax returns of the person claiming the student as a dependent.
- o **for students whose claim to eligibility for resident classification is based on their permanent, full-time employment or that of another person:** a letter from the employer, written on letterhead (including phone number), stating the student or other person's position, status and dates of employment. The letter should be accompanied by a copy of the most recent pay stub showing Michigan taxes being withheld.

Students are also responsible for providing any additional documentation necessary to support their claim to in-state status eligibility if such documentation is requested by the University.

The Request for Classification to Resident Status with attached documentation may be submitted to:

Ferris State University, Registrar's Office, Timme Center for Student Services 201 Building no sooner than 60 calendars days and at least 30 calendars days before the start of each semester. The Residency

Petition for Change in Status accompany documentation will not be returned. The student is advised to keep a copy for his/her records.

If it is determined that the student is domiciled in Michigan, "resident student" status shall be granted to the student as of the date the student established domicile, but no earlier than 18 months prior to the first day of classes in the semester in which the application for reclassification was submitted. A student failing to submit an application for reclassification within the first 20 calendar days of the semester after which the student has satisfied the one-year continuous resident requirement may submit an application for reclassification within the first 20 calendar days of any subsequent semester; however, in such cases, the student waives the right to receive "resident student" classification any earlier than 18 months prior to the first day of the semester in which the application for reclassification was submitted. In no case, however, shall a student be afforded "resident student" status before the date of establishing a domicile in Michigan.

VI. Appeal Procedure

1. Within seven (7) calendar days after receiving notification of the residency decision, the student may file an appeal addressed to the Dean of Enrollment Services
2. Failure to timely comply with the above paragraph shall constitute a waiver of all claims to reclassification for the applicable term.
3. The decision of the Dean of Enrollment Services is considered final.

Resident tuition rates shall be effective for the semester in which a student is reclassified to "resident" status. Appropriate refunds shall be made or accounts credited within a reasonable time following such reclassification subject to the limitations of Section VI.

Classification or reclassification based upon materially erroneous, false or misleading statements or omissions by or in support of the applicant shall be set aside retroactively upon the discovery of the erroneous nature of such statements. Any student having paid less than required to the University because of an erroneous classification or reclassification which is subsequently set aside, will repay any amounts not properly paid because of the erroneous classification or reclassification.

Inquiries may be directed to:

Ferris State University

Registrar's Office

Timme Center for Student Services 201

Big Rapids, MI 49307

Phone: 231-591-2792

Fax: 231-591-2242