

POLICY AND PROCEDURES
for
Determining Residence Status for Tuition Purposes for
Students at The University of North Carolina at Charlotte

All UNC Charlotte actions to determine residence status for tuition purposes shall be conducted consistent with the requirements of the North Carolina law and the *Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes*, referred to in this policy as the Residency Manual.

I. Newly Admitted Students

Students admitted to initial enrollment or readmitted after an absence of longer than 12 months to UNC Charlotte, are classified either as residents or non-residents for tuition purposes by the Offices of Admission. All applicants must supply general residency information that is requested on the *Application for Admission*. Applicants are responsible for supplying all information requested on the application form. No other evidence is considered in the initial classification unless it is specifically requested by the Offices of Admission.

The Offices of Admission will classify an applicant as a resident or non-resident for tuition purposes after reviewing the application for admission. Applicants not claiming to be residents for tuition purposes will be classified as non-residents for tuition purposes. In the case of an applicant claiming to be a resident for tuition purposes, the Offices of Admission will classify the applicant as a non-resident for tuition purposes if it appears to that office that the available information does not support in-state classification. The Offices of Admission will provide written notice to admitted applicants classified as out-of-state residents for tuition purposes. If a student is denied admission, then no residence classification is communicated.

The notice provided by the Offices of Admission will advise admitted applicants classified out-of-state for tuition purposes to contact the Residency Determination Office (RDO) if they wish to pursue reconsideration of the residency decision. If necessary, applicants contacting the RDO are advised to complete *The University of North Carolina at Charlotte Residence & Tuition Status Application* which includes instructions for submitting the completed form and supporting documentation to the RDO. The RDO reviews the residency application and supporting documents provided by the applicant. If necessary, the RDO will send a confirmation to the student acknowledging that the application was received and to request any additional documentation needed. The student will be advised that the documentation requested must be returned within ten (10) business days. If the student does not respond to the foregoing notification within ten (10) business days after such written notice, the RDO will review the residency application and supporting documents presented and will advise the student in writing of the result of such reconsideration. If the RDO denies in-state residency classification, the notice will include information regarding the *Request for Further Consideration*. (See Section III.)

II. Continuing Students

A continuing student, or a former student permitted to re-enroll after an absence of less than 12 months, who is classified as a non-resident for tuition purposes, may petition to be classified as a resident student by submitting a completed *Residence & Tuition Status Application*, together with supporting documentation to the RDO.

The RDO reviews the residency application and supporting documents provided by the applicant. If necessary, the RDO will send a confirmation to the student acknowledging that the application was received and to request any additional documentation needed. The student will be advised that the documentation requested must be returned within ten (10) business days. If the student does not respond to the foregoing notification within ten (10) business days after such written notice, the RDO will review the residency application and supporting documents presented and will advise the student in writing of the result of such reconsideration. If the RDO denies in-state residency classification, the notice will include information regarding the *Request for Further Consideration*. (See Section III.)

III. Request for Further Consideration

A newly admitted student or continuing student who has exhausted the procedures in Section I or II and who has been classified as a non-resident for tuition purposes, may request further consideration of that decision by the University Residence Status Appeals Board (URSAB). This request must be in writing to the Chairperson of the URSAB and must be submitted within twenty (20) business days from the date of the issuance of the letter of determination. The request may consist simply of the statement "I wish to appeal the decision as to my residence classification for tuition purposes." It must be dated and signed and should indicate the applicant's UNC Charlotte student identification number, mailing address, email address (if available) and phone number.

Upon receipt of a student's appeal letter, the RDO will refer the complete file to the URSAB Chairperson. The URSAB Chairperson will review the student's file.

- (1) If the URSAB Chairperson determines that the student (a) has not satisfied the requirement of 12 months' physical presence in North Carolina and is not eligible for any exceptions to this rule, or (b) has not obtained proper immigration status, the URSAB Chairperson may deny the student's petition for in-state residence classification without a hearing. The URSAB Chairperson will notify the student in writing of his/her determination and of the student's right to appeal to the State Residence Committee.
- (2) If the URSAB Chairperson determines that the information provided by the student clearly establishes satisfaction of the in-state residence requirements, the URSAB Chairperson may grant the student's petition for in-state residence without a hearing.
- (3) If the URSAB Chairperson determines that the information provided by the student includes evidence that the in-state residence requirements may be

satisfied upon review and consideration by the URSAB, the URSAB Chairperson will refer the case to the URSAB for a hearing.

At a URSAB hearing, the evidence will include only the file of materials considered in reaching the previous decision. If the URSAB determines that further clarification is necessary and establishes that additional evidence significant to reaching its decision has not been included in the file of materials, the URSAB may postpone the hearing and request that the student provide such additional materials. The URSAB will advise the student in writing that the materials requested must be returned within ten (10) business days. If the student does not respond to the foregoing notification within ten (10) business days after such written notice, the URSAB will advise the student in writing of the result of such reconsideration. The URSAB may make this request only if the additional materials have not already been requested prior to RDO's residency decision.

The student may seek such advice and counsel as he or she considers appropriate prior to the hearing. However, only the student will have the opportunity to appear and be heard by the URSAB unless, in its sole discretion, the URSAB determines that (a) the student is unable to present information or argument orally to the URSAB due to a language barrier or disability, and (b) information or argument should be interpreted by another person or persons identified by the student or determined by the URSAB. The interpreter's role is limited to interpreting or translating communication between the student and the URSAB but is not permitted to argue or make statements on behalf of the student.

No verbatim transcript of the hearing will be kept. New information may not be presented in testimony by the student at the hearing. The evidence supporting the case will include only the file of materials considered in reaching the previous decision. The completed record form becomes part of the student's institutional record. The decision of the URSAB will be by majority vote, will be provided to the student in writing, and will constitute the final decision of the URSAB and The University of North Carolina at Charlotte.

Letters denying in-state classification will include instructions on how to appeal the URSAB decision to the State Residence Committee. A student must provide notice of intent to pursue such an appeal within ten (10) business days of the date of the issuance of the decision letter and must be submitted to the Chairperson of the URSAB in writing. The appeal will be processed in accordance with the policies and procedures of the *Residency Manual* and the *Policies and Procedures of the State Residence Committee*. Copies of both documents are available for inspection in the Atkins Library, the Residency Determination Office at the UNC Charlotte campus, and online at the University of North Carolina's General Administration's website at http://www.northcarolina.edu/legal/residence/committee/manual/The_Manual.pdf.

IV. Composition of the URSAB

The Chancellor shall appoint the UNC Charlotte URSAB, which will consist of faculty or staff members from within the following Divisions: Four members from the Division of Academic Affairs nominated by the Provost; two members from the Division of Business Affairs nominated by the Vice Chancellor for Business Affairs;

two members from the Division of Student Affairs nominated by the Vice Chancellor for Student Affairs; and three additional members who may be employed in any division, appointed by the Chancellor. On a rotating basis, each of the Vice Chancellors will nominate a chair from their division to lead the URSAB for a three year term.

Three of the Board members will serve as alternates. Alternate members so appointed may be designated by the Chair of the URSAB to serve in lieu of a regular member on any case or cases where a quorum of regular members is unavailable or unable to serve for any reason. Each member or alternate member shall serve for a term of three years or until his or her successor is appointed, whichever occurs later. Terms shall be staggered. The Chancellor may appoint a replacement to complete the unexpired term of any member or alternate member who becomes unable to serve. Members and alternate members may be reappointed by the Chancellor to serve additional three-year terms without limitation. All members shall have full voting rights.

A staff or faculty member who has participated earlier in a case by making an initial classification on residency is not permitted to sit as a member of the URSAB as it considers and decides the same case.

A quorum for the conduct of business of the URSAB shall consist of four of its regular members or alternate members then in office. Action by the URSAB shall be by majority vote. The URSAB shall establish its own meeting schedule.

The URSAB is subject to the State of North Carolina Open Meetings Law and must conduct its meetings in accordance with that law.

Approved, Philip Nelson
Chancellor
Date: 1/29/10