501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes

Approved by Board of Trustees
Effective Date: 2017
Responsible Division: Student Affairs
Responsible Office: Enrollment Services
Responsible Officer: AVP Enrollment Services

I. Purpose

It is the intent of Middle Tennessee State University (MTSU or University) that uniform rules shall apply in determining whether students shall be classified in-state or out-of-state for fees and tuition purposes and for admission purposes. This policy provides the rules and criteria that will be utilized in making classification determinations.

II. Rules for Determination of Status

A. Students and applicants with a domicile in this State are to be classified in-state for fee and tuition purposes and for admission purposes. Domicile is a person's true, fixed, and permanent home and place of habitation; it is the place where he/she intends to remain, and to which he/she expects to return when he/she leaves MTSU without intending to establish a new domicile elsewhere.

1. Persons eligible to establish domicile include U.S. citizens; valid/unexpired permanent residents; asylees/refugees; and those with certain visa types, including A1 – A3; E1, E2; G1 – G5; H1B, H4; I; K1 – K4; L1, L1a, L1b, L2; NATO 1 – NATO 7; O1, O3 (dependents of O1 only); P1 – P4; R1, R2; T1 – T4; and V.

2. Persons not eligible to establish domicile include persons who have not met requirements of the Eligibility Verification for Entitlement Act (EVEA); undocumented persons, regardless of length of residence in Tennessee; persons on Deferred Action (DACA/Dream Act), and those with certain visa types, including B1, B2; C1 – C3; D1; F1, F2; H1C, H2A, H2B, H3; J1, J2; M1, M2; N; O2, O3 (dependents of O2); Q1 – Q3; S5 – S7; TC, TN, TD; U1 – U5.
B. Absence from the State for short periods of time will not affect the establishment of a residence.

C. Students and applicants not having domicile in this State shall be classified out-of-state.

D. The domicile of an unemancipated person is that of his/her parent, except as provided in Section E. of this policy. Students who are unemancipated must submit parent, legal guardian, or foster parent documentation in lieu of their own. An emancipated person is one who has attained the age of eighteen (18) years, and whose parents have entirely legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed emancipated person.

E. Unemancipated students of divorced parents shall be classified in-state when one parent, regardless of custodial status, is domiciled in Tennessee.

F. An unemancipated student is classified in-state for fee and tuition purposes, if the student is a citizen of the U.S. and has resided in Tennessee for at least one (1) year immediately prior to admission and has:

1. Graduated from a Tennessee public secondary school;

2. Graduated from a private secondary school that is located in this state; or

3. Earned a Tennessee high school equivalency diploma.

G. The spouse of a student classified as in-state will also be classified as in-state.

III. Out-of-State Students who are Not Required to Pay Out-of-State Tuition

A. An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU.

B. An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after
successfully completing an associate’s degree or if participating in a reverse transfer program.

C. Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.

D. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.

E. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.

F. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.

G. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child’s domicile or place of residence during the dependent child’s enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.

H. Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that entire term are not required to pay out-of-state tuition.
I. A veteran enrolled at MTSU will not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:

1. Has not been dishonorably discharged from a branch of the U.S. armed forces or the National Guard;

2. Is eligible for Post 9/11 GI Bill benefits or Montgomery GI Bill benefits; and

3. Enrolls at MTSU after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran’s certificate of release or discharge from active duty, Form DD-214, or an equivalent document.

To continue to qualify for in-state tuition and fees, a veteran must:

a. Maintain continuous enrollment at MTSU; and

b. Demonstrate objective evidence of established residency in this state by presenting at least two of the following:

   (1) Proof of voter registration in the state;

   (2) A Tennessee driver’s license;

   (3) A Tennessee motor vehicle registration;

   (4) Proof of established employment in the state; or

   (5) Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.

J. Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher education institution in this State.

K. Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in this state, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence such as proof of residence and/or property ownership within the state; military orders assigning the person to Tennessee; proof of full-time employment within the state; proof of receiving a state benefit such as TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for fee purposes at another public Tennessee higher education institution; etc.
IV. Appeal Procedure

Students enrolled at MTSU may appeal their initial classification of residency status for purposes of fee payment according to the following procedure:

A. Students who are initially classified as out-of-state for purposes of fee payment by personnel in the admissions office, the graduate office, or the office of international programs and services, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.

1. Documentation submitted by the student will be reviewed by the appropriate staff. The student will be notified of any change in status or other action taken on his/her application.

2. In the event that the student’s application for in-state residency is denied, the student will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.

B. The Assistant Vice President for Student Affairs or designee will, upon request of the student and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.

C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the student’s residency status and will make a recommendation to the Vice President for Student Affairs either denying the appeal or recommending that the student be re-classified as in-state for purposes of fee payment.

D. The Vice President for Student Affairs will approve, reject, or modify the recommendation of the Student Appeals Committee. In any event, the student will be notified of the Vice President’s decision in a timely manner.

E. The decision of the Vice President for Student Affairs will be final in matters of appeal with regard to residency status for purposes of fee payment.

V. Effective Date for Reclassification

A. If a student classified out-of-state applies for in-state classification and is subsequently so classified, his/her in-state classification shall be effective as of the date on which reclassification was sought.
B. However, out-of-state tuition will be charged for any semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the census day of that semester.

VI. Regional Scholars

A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus as determined by the Board of Trustees and published on the Regional Scholars website, and who meet specific academic requirements to attend MTSU at a reduced rate.

B. Though still classified as out-of-state, students who qualify will receive:

1. A reduced tuition as determined by the University in accordance with approved guidelines.

2. Automatic consideration for the MTSU Freshman Academic Merit Scholarships.

Forms: none.

Revisions: June 5, 2017 (New); ______, 2017.

References: Tennessee Higher Education Commission Chapter 1540-1-1 Regulations for Classifying Persons as Tennessee Residents for the Purpose of Participating in Tennessee Higher Education Commission Programs Authority; T.C.A. §§ 49-7-164; 49-7-704.