

# Tuition Residency Classification - Framingham State College

## Rules and Regulations Governing the Residence Status of Students for Tuition Purposes

These rules and regulations, approved in 2004 by the College, and current as of publication, apply to the classification of students at Framingham State College as Massachusetts or non-Massachusetts students for tuition and fee purposes. The Massachusetts Board of Higher Education (BHE) may revise this policy. In that event, the revised BHE policy will supersede the following.

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### **Part I. Definitions**

- 1.1** "Academic period" shall mean a term or semester in an academic year or a summer session, as prescribed by the Board of Trustees or under their authority.
- 1.2** "Continuous attendance" shall mean enrollment at the College for the normal academic year in each calendar year; or the appropriate portion or portions of such academic year as prescribed by the Board of Trustees or under their authority.
- 1.3** "Emancipated person," for the purposes of residency classification for tuition, shall mean a person who has attained the age of 18 years and is financially independent of his or her parents, or if under 18 years of age:
- whose parents have entirely 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 person;
  - a person who is legally married;
  - a person who has no parent. If none of the aforesaid definitions apply, said person shall be deemed an "unemancipated person."
- 1.4** "Parent" shall mean:
- the person's father and mother, jointly;
  - if the person's father is deceased, the person's mother; if the person's mother is deceased, the person's father;
  - if a legal guardian has been appointed by a court having jurisdiction, the legal guardian;
  - if neither the father nor mother is living and no legal guardian has been appointed, the person who then stands in loco parentis to the person;
  - if the father and mother are divorced, separated or unmarried, the parent who has been awarded legal custody of the person; or if legal custody has not been awarded, the parent with whom the person lives. With respect to any adopted student, the word "adoptive" should be inserted before the words "father" and "mother" wherever used.
- 1.5** "Reside," "residency" or "resident" shall mean "domicile," i.e., a person's true, fixed and permanent home or place of habitation, where he or she intends to remain permanently.

### **Part II. Classification**

**2.1** For the purpose of assessing tuition and fees, each student shall be classified as a "Massachusetts resident" or a "non-Massachusetts resident." A person shall be classified as a Massachusetts resident if he or she (or the parent of an unemancipated student) shall have resided in the Commonwealth of Massachusetts for purposes other than attending an educational institution for twelve months immediately preceding the student's entry or reentry as a student.

Physical presence for this entire twelve-month period need not be required as long as the conduct of an individual, taken in total, manifests an intention to make Massachusetts his or her permanent dwelling place.

### **Part III. Determination of Residency**

#### **3.1** Proof of Residency

- Each case will be decided on the basis of all facts submitted with qualitative rather than quantitative emphasis. A number of factors are required for residency to determine the intention of the person to maintain permanent residence in Massachusetts. No single index is decisive. The burden of proof rests on the student seeking classification as a Massachusetts resident.
- The following shall be primary indicia of residency:
  - The unemancipated persons, the residency of parents, having custody, within Massachusetts;
  - Copies of both federal and state income tax returns including W-2 forms;
  - Permanent employment in a position not normally filled by a student;
  - Reliance on Massachusetts sources for financial support;
  - Former residency in Massachusetts and maintenance of significant connections there while absent.
- The following shall be secondary indicia of residency, to be considered of less weight than the indicia listed above in subsection b):
  - Continuous physical presence in Massachusetts during periods when not an enrolled student;
  - Military home of record;
  - All other material of whatever kind or source, which may have a bearing on determining residency (such as motor vehicle registration and operator's license and vehicle insurance policy benefits page).

#### **3.2** Proof of Emancipation.

A student asserting that he or she is an emancipated person shall furnish evidence to support such assertion. Such evidence may include:

- Birth certificate or any other legal document that shows place and date of birth;
- Legal guardianship papers - court appointment and termination must be submitted;
- Statements of the person, his or her parent(s), guardian(s), or others certifying no financial support;
- Certified copies of federal and state income tax returns filed by the person and his or her parent(s);
- Where none of the foregoing can be provided an affidavit of the emancipated person in explanation thereof and stating fully the grounds supporting the claim of emancipation.

#### **3.3** Presumptions

- Residency is not acquired by mere physical presence in Massachusetts while the person is enrolled in an institution of higher education. (See Section 2.1)
- A person having his or her residency elsewhere than in Massachusetts shall not be eligible for classification as a Massachusetts resident for tuition purposes except as herein provided:
  - Any person who is registered at the College as a Massachusetts resident shall be eligible for continued classification as a Massachusetts resident for tuition purposes (until attainment of the degree for which he or she is enrolled) during continuous attendance at the institution.
  - The spouse of any person who is classified or is eligible for classification as a Massachusetts resident is likewise eligible for classification as a Massachusetts resident.
  - A person who is an immigrant/permanent resident of the United States is eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. Non-citizens who are in refugee/asylum status are likewise eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. All non-citizens must provide appropriate documentation to verify their status. Students who are attending the College on a non-immigrant visa (A through S) are not eligible for Massachusetts in-state tuition.
  - Those students whose higher educational pursuits are funded by the Massachusetts Department of Transitional Assistance, the Massachusetts Rehabilitation Department, or any of the other Commonwealth of Massachusetts public assistance programs.
- A person does not gain or lose in-state status solely by reason of his or her presence in any state or country while a member of the Armed Forces of the United States.
- For the purposes of this policy the following persons shall be presumed to be Massachusetts residents:
  - A member of the Armed Forces of the United States who is stationed in Massachusetts on active duty pursuant to military orders, his or her spouse and dependent students.

### **Part IV. Appeals**

- 4.1** In any case where the Admissions Office is unable to make a determination prior to initial enrollment based on the evidence submitted, the applicant may be required to submit a "Tuition Residency Reclassification Form" for review before residency classification is finalized.
- 4.2** Any student or applicant who is unwilling to accept the initial ruling relative to his or her residency classification, or who wishes to seek reclassification may file a "Tuition Residency Reclassification Form."
- 4.3** Any student or applicant who is unwilling to accept the ruling relative to his or her residency after submitting a Tuition Residency Reclassification Form" may submit a written appeal to the Chief Fiscal Officer or his/her designee. The decision on appeal is final and may not be appealed further.

### **Part V. Penalties**

Misrepresentation in or omission from any evidence submitted with respect to any fact, which if correctly or completely stated would be grounds to deny classification as a Massachusetts resident for tuition purposes.