

**BOARD OF REGENTS**  
EASTERN MICHIGAN UNIVERSITY

**SECTION: 30**

**DATE:**

June 16, 2015

**RECOMMENDATION**

**IN-STATE CLASSIFICATION FOR TUITION PURPOSES**

**ACTION REQUESTED**

It is recommended that Board Policy *12.1.1 In-state Classification for Tuition Purposes* be amended to provide that eligible individuals under the Veterans Access, Choice and Accountability Act (“Choice Act”) be classified as in-state students in accordance with the attached revisions.

**STAFF SUMMARY**

Tuition for students who do not qualify for the in-state rate is significantly higher than tuition for in-state students. The Choice Act expands the definition of eligible individuals covered by Veteran’s Administration (VA) GI Bill programs. The Choice Act requires the VA to disapprove programs of education for payment of benefits under the Post 9/11 GI Bill and Montgomery GI Bill – Active Duty at Public Institutions of higher learning that charge rates in excess of the rate for resident students.

The amendments to Board Policy 12.1.1 provided for under this recommendation comply with the provisions of the Choice Act.

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**FISCAL IMPLICATIONS**

The Fiscal impact is negligible as the University currently provides a scholarship for the Out of State differential for current students covered by this plan.

**ADMINISTRATIVE RECOMMENDATION**

The proposed Board action has been reviewed and is recommended for Board approval.

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**University Executive Officer**

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**Date**



# Policies, Rules and Regulations

Chapter Name: Tuition, Fees, Fines, Deposits and Refunds

Chapter No. 12.1.1

Issue: In-State Classification For Tuition Purposes

Effective Date: 11-17-1971

Revision Date: 6-10-2014

## UNIVERSITY POLICY STATEMENT

Policy for the Establishment of In-State Tuition

### I. Regulations for Determining In-State Classification

A person enrolling at Eastern Michigan University shall be classified as an In-State or out-of-state student for tuition purposes. A student's In-State tuition status shall be determined at the time of his/her initial admission to the University. In order to determine the tuition status of a student, the regulations in this policy will be utilized.

### II. Eligibility Through Michigan Residence.

You may qualify for In-State tuition by demonstrating that you are a permanent legal Michigan or Ohio resident and are coming to the state for reasons primarily other than to attend the University. The following criteria will be used to determine In-State tuition status:

#### A. Criteria for Establishing In-State Tuition through Michigan Residence

1. Minors and Dependents over 18. The domicile of a student who is not yet 18 years of age follows that of the student's parents or legal guardian. If that student's parents or legal guardian would qualify in accordance with the University's regulations for determining In-State tuition status, that student shall be considered In-State for tuition purposes.

Students 18 years of age or older who are claimed as dependents for federal income tax purposes by their parents or guardians at the time of registration and for the tax year preceding the year in which they register will be classified for tuition purposes as though they were minors.

## 2. Nondependent Students

An independent student 18 years of age or older is considered eligible for In-State tuition if the student has demonstrated that he/she has established permanent legal residence in Michigan.

## 3. Spouse

The domicile of a student who otherwise would be classified as out-of-state for tuition purposes will follow that of the student's spouse, if the spouse is eligible for classification as In-State for tuition purposes (applicable only to U.S. citizens or to aliens admitted to the United States in accordance with subsection 4).

## 4. Aliens

An alien (noncitizen) student shall be eligible for In-State tuition if he/she is domicile in the United States and meets the criteria below.

In order to demonstrate that he/she is domicile in the United States, the student must be a permanent resident, or an alien with one of the following visa classifications, or an alien with other documentation from the Immigration and Naturalization Services that reflects such status.

Visa classifications: E-1 - treaty trader, spouse, and children; E-2 - treaty investor, spouse, and children; G-4 - international organization officer or employee and members of immediate family; H-1 - temporary worker of distinguished merit and ability; H-2 - temporary worker performing services unavailable in the U.S.; H-3 - trainee; H-4 - spouse or child of H-1, H-2, or H-3; J-1 - exchange visitor (limited to persons engaged as trainee, teacher, professor or research scholar); J-2 - spouse or child of J-1 as limited above; L-1 - intracompany transferee; L-2 - spouse or child of L-1.

## 5. Migrants

Migrant status is one factor considered when determining if a student is domicile in Michigan for tuition purposes. Michigan migrants are defined as individuals who have made their livelihood in seasonal work in the state of Michigan, and have traveled interstate for this purpose. Migrant students shall be considered Michigan residents for tuition purposes if they, or their parents or legal guardian, were employed in Michigan for at least two months during each of three of the preceding five years. Verification of employment as migrant workers should be secured from the Michigan Farm Labor and Rural Manpower Services Office. Other appropriate evidence also may be used by migrant workers to establish their status.

## 6. Active Duty Members of the Military, their Spouses and Dependents

Active duty members of the armed forces of the United States and their spouses and dependents will be granted In-State tuition if the member of the armed forces is a Michigan resident (and has not established residency in another state) or is stationed in Michigan. Once an active duty member of the armed forces or his or her spouse or dependent qualifies for In-State status, that status will continue to be recognized as long as the student is continually enrolled in the current degree program at the University.

The spouse or dependent of a person who died while serving in a branch of the U.S. military service shall be eligible for In-State tuition purposes if that military service person qualified in accordance with the University's regulations for determining In-State tuition status.

## 7. ~~U.S. Military Service Veteran~~ Eligible individuals Using Educational Assistance under Federal Choice Act

~~A veteran of a branch of the U.S. military service (excluding reserve programs) shall be eligible for classification as In-State for tuition purposes if that person qualifies in accordance with the University's regulations for determining residence classification.~~

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 Eastern Michigan University (regardless of his/her formal state of residence) shall be eligible for In-State Tuition Status.

## **B. Guidelines for Establishing In-State Tuition Status Based on Residence**

Since a student normally comes to Eastern Michigan University for the primary or sole purpose of attending the University rather than to establish domicile in Michigan, one who enrolls in the University as an out of state student shall continue to be so classified throughout his/her attendance as a student, unless a review is requested when circumstances change to meet eligibility requirements below.

The following guidelines and criteria shall be applied when reviewing a student's classification. It is recognized that no one of the following criteria shall, standing alone, necessarily be controlling. All factors indicating an intent to make Michigan the student's domicile will be considered by the University in classifying a student.

A. The following facts and circumstances, although not necessarily conclusive, have probate value in support of a claim for In-State tuition.

1. Domicile in Michigan of family, guardian or other relatives or persons legally responsible for the student.
2. Former domicile in Michigan and maintenance of significant connections therein while absent.
3. Self-supporting reliance upon Michigan sources for financial support (verification of Michigan income tax liability must be provided).
4. Continuous presence in Michigan during periods when not enrolled as a student.
5. Long-term military commitments in Michigan.
6. Acceptance of an offer of permanent employment in Michigan (in a position not normally filled by a student).
7. Ownership of real estate in Michigan.

B. Please note: The following circumstances, standing alone, shall not constitute sufficient evidence of domicile to effect classification of a student as In-State under these regulations:

1. Voting or registration for voting.
2. Employment in any position normally filled by a student.
3. A lease of living quarters.
4. A statement of intention to acquire a domicile in Michigan.
5. Automobile registration, driver's license.
6. Other public record, e.g., birth records

## **III. Establishing Eligibility Through Attendance at Michigan Schools**

You may qualify for In-State tuition by demonstrating all of the following:

A. You attended an accredited Michigan high school for at least 3 years and thereafter (a) graduated from an accredited Michigan high school or (b) received a Michigan General Education Development High School Equivalency Certificate (GED); and

B. You began your education at Eastern Michigan University within 28 months of graduation from the Michigan high school or receiving your GED.

#### **~~IV. Veteran Status~~**

~~You may qualify for a grant of the difference between In-State and out of state tuition by demonstrating all of the following:~~

- ~~1. You are a veteran of the United States military, excluding services in the reserves; and~~
- ~~2. You served in the United States Military for at least one year; and~~
- ~~3. You have been honorably discharged or medically separated from service.~~

~~This grant will be based on 24 credit hours per year and will be limited to the differential of In-State and out of state tuition~~

#### **IV. Graduate Assistant Status**

Graduate Assistants (GAs) and Doctoral Fellows (DFs) are classified as In State for the purpose of determining tuition rates at EMU. For Graduate Assistants, this classification as In State is in effect for the period of the GA appointment, with a maximum of two academic years. For Doctoral Fellows, this classification remains in effect for the period of the DF appointment, with a maximum of four years.

#### **VI. Reclassification of In-State Status**

A student's In-State status may be reviewed at each re-enrollment. If a student's circumstances should change to the extent that he/she would no longer be considered an In-State student for tuition purposes, as herein described, that student shall be reclassified as an out of state student for tuition purposes 12 months thereafter.

It shall be the responsibility of all students, prior to registering, to raise questions in Student Business Services regarding their right to be registered as an In-State student for tuition purposes.

The administration is authorized to establish procedures and delegate authority for determining the In-State status of students for tuition purposes.

A tuition reciprocity agreement with Ohio, entered into by the Michigan State Board of Education and the Ohio Board of Regent in 1980, allows an Ohio resident to attend Eastern Michigan University at Michigan resident tuition rates. Monroe County residents can attend the University of Toledo at Ohio resident tuition rates.

#### **Authority for Creation or Revision:**

Minutes of the Board of Regents, November 17, 1971, para. .1047M.

Minutes of the Board of Regents, August 26, 1987, para. .3537M

Minutes of the Board of Regents, December 2, 2003, para. .6201M.

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