

# Alabama and Non-Alabama Student Policy

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Students enrolled prior to June 1, 1996 should consult with the Office of the Registrar for changes in residency status.

## Policy for Students Enrolled for the First Time June 1, 1996, and Thereafter

For the purpose of assessing tuition and fees, applicants shall be classified as Alabama or non-Alabama students. Non-Alabama students are required to pay non-resident tuition.

An Alabama student is a person which shall be a citizen of the United States, or a permanent resident, and who shall have resided and had habitation, home and permanent abode in the State of Alabama for at least 12 consecutive months immediately preceding current registration. In applying this regulation, "applicant" shall mean a person applying for admission to the institution, if applicant is married or 19 years of age, and financially independent. Otherwise, it shall mean parents, parent or legal guardian of his/her person. If the parents are divorced, residence will be determined by the residency of the parent to whom the court has granted custody.

A person who establishes a guardianship for purpose of avoiding non-Alabama fees will be subject to non-resident tuition.

No person who moves to Alabama for the primary purpose of attending college shall be considered to have demonstrated intent to establish domicile in the State of Alabama, and will generally not be considered eligible for classification as a resident student. Clear and convincing evidence to the contrary must be presented to overcome this presumption.

In determining Alabama student status for purposes of assessing fees, the burden of proof is on the applicant.

## Additional Persons Eligible for Resident Tuition

1. Military personnel on active duty stationed in Alabama, their spouses and dependent children (as defined by Internal Revenue Codes), as well as military personnel whose State of Residence on their Leave and Earnings Statement (LES) is Alabama, who have continuously filed Alabama income tax returns for the duration of their service, and their spouses and dependent children.
2. Non-resident undergraduate students who are currently being awarded an academic, athletic, or other scholarship by Auburn University that is at least equal to the amount of the current tuition rate for Alabama students, provided that the scholarship is fully funded by a donor or other external source and non-resident graduate students appointed on qualifying assistantships of at least 1/4-time will be classified as a non-resident for tuition purposes, and the out-of-state portion of tuition will be waived, leaving the student obligated for the equivalent of resident tuition. Institutionally funded scholarships and externally awarded scholarships are excluded from this provision and do not carry with them a waiver of any portion of non-resident tuition costs.
3. Full-time employees of a state of Alabama agency or institution, their spouses and dependent children.
4. Spouse and dependent children of a non-resident, provided the nonresident has been employed in Alabama full-time for at least 12 consecutive months prior to registration, has filed an Alabama Income Tax Return for the tax year prior to the year in which the student is admitted, and did not claim a credit on the Alabama return for income taxes paid to another state.
5. Non-resident students with junior or senior standing selected for programs included in the Southern Regional Education Board Academic Common Market, provided the student does not change to another program not included, is enrolled in 12 hours per term and earns a 3.00 GPA each term. In such cases of change, reduction in course load or failure to meet the GPA, the student will be classified as a non-resident for tuition purposes and the out-of-state portion of tuition that had been waived previously, will no longer be waived. See section on Academic Common Market for application process.
6. Persons whose spouses by legal marriage are bona fide Alabama residents.
7. Spouses and dependent children of persons who establish domicile within the State of Alabama, provided that the person who establishes domicile is employed full-time in a permanent position in Alabama.
8. Students enrolled in the College of Veterinary Medicine professional DVM program admitted under contract with the Southern Regional Education Board.

**Section 702, Veterans Access, Choice and Accountability Act of 2014 and 2017 Amendments.** The following qualified individuals shall be charged a rate of tuition not to exceed the in-state rate for tuition and fees purposes:

- A Veteran using educational assistance under either chapter 30 (Montgomery G.I. Bill – Active Duty Program) or chapter 33 (Post 9/11 G.I. Bill), of title 38, United States Code, who lives in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence) and enrolls in the school within three years of discharge or residence from a period of active duty service of 90 days or more.

- Anyone using transferred Post 9/11 GI Bill benefits (38 U.S.C. 3319) who live in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence) and enrolls in the school within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.
- Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or term) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge or release as described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code.
- Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. 3311(b)(9) who lives in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence).
- Anyone using transferred Post 9/11 G.I. Bill benefits (38 U.S.C. 3319) who lives in Alabama while attending a school located in Alabama (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.

## **Initial Determination of Eligibility**

To be initially classified as eligible for resident tuition, students must demonstrate that they or their parent, guardian or spouse qualify for one of the eligibility categories prior to the first day of class. A signed statement is required that qualification for the eligibility category claimed has been met prior to registration.

## **Transfer Students**

In the case of new transfer students, classification as a resident by the previous institution does not guarantee that status at Auburn University. Enrollment by a non-resident student at a college or university within the state of Alabama for more than 9 hours in any term during the period when the student is attempting to establish residency will normally exclude that student from consideration. That student will be considered to be in the state for the purpose of education.

## **Change in Eligibility for Resident Tuition**

Students determined to be eligible for resident tuition will maintain that eligibility upon re-enrollment within 12 months of their most recent enrollment, unless there is evidence that the student subsequently has abandoned resident status (e.g., registering to vote in another state.) Students failing to re-enroll within 12 months must establish eligibility upon re-enrollment.

Students initially classified as ineligible for resident tuition will retain that classification for tuition purposes until they provide clear and convincing evidence that they have established permanent domicile in Alabama. The burden of proof of change in eligibility rests on those requesting change. Evidence relevant to an initial determination of eligibility is also relevant to establishing a change in eligibility.

Non-resident students who carry an academic load considered normal (10 or more hours per term, undergraduate, or 7 hours or more hours per term, graduate) for students at Auburn University will be presumed to be in the State of Alabama primarily for the purpose of gaining an education and, thus, have not demonstrated the intent to establish a true domicile in Alabama. Clear and convincing proof may overcome this presumption, but again, the burden of proof rests on those requesting change in eligibility. Any change in resident tuition eligibility occurring during an academic term will not become effective until the registration for the succeeding term.

The following types of evidence may contain data to support the establishment of twelve 12-month residency in the State of Alabama. In all cases, the person must be at least 19 years of age or married, and financially independent. Otherwise, the person's residency will be based on that of the parent or guardian.

1. Ownership of rental or residential property in the State of Alabama and continuous occupation thereof on an extended term of not less than twelve consecutive months.
2. Full-time permanent employment in the State of Alabama.
3. Possession of State of Alabama License(s) required to do business or practice a profession in Alabama.
4. Legal marriage to a bona fide Alabama resident.
5. Registration to vote in the State of Alabama.
6. Filing of Alabama resident income tax returns.
7. Holding a current Alabama driver's license.
8. Registration of vehicle in Alabama, and payment of property taxes, thereon.

9. Evidence of local banking activity within the State of Alabama for 12 consecutive months prior to making application for residency change.

The Office of the Registrar at Auburn University and the Office of the Registrar at AUM shall have the responsibility for determining whether a student shall be classified as an Alabama or non-Alabama student. The decision of the Office of the Registrar shall be subject to review by the Residency Committee (at Auburn) or the Chancellor (at AUM) or the designated representative of each, upon written request of the applicant.

### **Procedures for Appeal of Residency Decision**

The following outlines the process by which students may seek review, or appeal the initial decision of residency for tuition purposes.

1. Students must submit their residency review packet documents, referenced on [www.residency.auburn.edu](http://www.residency.auburn.edu), to the Residency Advisor in the Office of the Registrar.
2. Should the submitted residency review be denied, students may submit to the Residency Advisor a written request for appeal by the Residency Committee. This request should outline the circumstances that have changed since the initial residency decision.
3. Along with the written request, students should submit whatever evidence they feel is relevant to their appeal. Examples of the relevant evidence can be found in the Auburn University Residency Guidelines in this *Bulletin*.
4. The letter of request for appeal and the supporting evidence must be received no later than two business days before the committee meeting. The Residency Advisor will prepare all materials for presentation to the committee regarding each individual appeal.
5. The committee will vote on the merits of each appeal as it relates to the written guidelines adopted by the state of Alabama and the Auburn University Board of Trustees.
6. Students will receive a letter informing them of the Residency Committee's final decision and reason.
7. All proceedings and votes will be recorded and filed in the Office of the Registrar.