


AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

Policy Number: 3:019	Supersedes Policy Number:
Date: November 3, 1986	Dated:
Subject: Classifying Students In-State and Out-of-State for Purposes of Paying Fees and Tuition and for Admissions Purposes	
Initiating Authority: Dean of Students	SBR Policy/Guideline Reference: 3:05:01:00
Approved:  President	

INTENT. It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified "in-state" or "out-of-state" for fees and tuition purposes and for admissions purposes.

DEFINITIONS. Wherever used in these regulations;

1. "Public higher educational institution" shall mean a university or community college supported by appropriations made by the Legislature of this State.
2. "Residence" shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
3. "Domicile" shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
4. "Emancipated person" shall mean a person who has attained the age of eighteen years, and 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 deemed "emancipated person".

5. "Parent" shall mean a person's father or mother; or if one parent has custody of an unemancipated person, the person having custody; or if there is a guardian or legal custodian of an unemancipated person, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.
6. "Continuance enrollment" shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed "continuous". Enrollment shall be deemed continuous notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

RULES FOR DETERMINATION OF STATUS

1. Every person having his or her domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.
2. Every person not having his or her domicile in this State shall be classified "out-of-state" for said purposes.
3. The domicile of an unemancipated person is that of his or her parent.
4. The domicile of a married person shall be determined independent of the domicile of the spouse.

OUT-OF-STATE STUDENTS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION

1. An unemancipated, currently enrolled student shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as his or her enrollment at a public higher educational institution or institutions shall be continuous.

2. 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 pursuant to military orders shall 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 or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.
3. A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University. Provided, however, that there be no teacher college or normal school within the non-resident's own state, of equal distance to said non-resident's bona fide place of residence.
4. Part-time students who are not domiciled in this State but who reside in this State, and are employed full-time in the State, or who are stationed at Fort Campbell pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. (Part-time students are those classified as such by the individual public higher educational institutions of this State.)
5. 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 shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.

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 educational institution in this State, as such status is defined by such institution.

EVIDENCE TO BE CONSIDERED FOR ESTABLISHMENT OF DOMICILE. If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. Said institution will consider any and all evidence provided to it

concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

PROCESS AND APPEAL PROCEDURES. The Admissions and Records clerk is responsible for initially classifying applicants for admission or readmission as either "in-state" or "out-of-state." A decision by the Admissions and Records clerk may be appealed in writing first to the Dean of Admissions and Records, then to the Vice President for Academic Affairs.

Students currently/continually enrolled may appeal in writing first to the Dean of Admissions and Records, then to the University Residency Committee. A decision by the Residency Committee may be appealed in writing to the Vice President for Academic Affairs.

A decision by the Vice President for Academic Affairs may be appealed to the President (or his/her designee). All appeals must be received within five (5) class days.

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