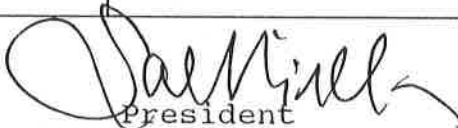


AUSTIN PEAY STATE UNIVERSITY  
POLICIES AND PROCEDURES MANUAL

Policy Number: 3:019	Supersedes Policy Number: 3:019
Date: April 24, 1997	Dated: October 17, 1994
Subject: Classifying Students In-State & Out-of-State for Purposes of Paying Fees & Tuition & for Admissions Purposes	
Initiating Authority: Vice President for Academic Affairs	TBR 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.

**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 is under any legal obligation to support or maintain such deemed "emancipated person."

5. "Parent" shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian, provided 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 spouse of a student classified as "in-state" shall also be classified "in-state."

#### 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. This shall apply to part-time students who are employed in the state by more than one employer, resulting in the equivalent of full-time employment.
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 clerk is responsible for initially classifying applicants for admission or readmission as either "in-state" or "out-of-state." A decision by the Admissions clerk may be appealed in writing to the Director of Admissions on an Application for Residency Classification form.

Students currently/continually enrolled may appeal in writing to the Director of Records and Registration on an Application for Residency Classification form. An appeal to the decision by the Director of Admissions or Director of Records and Registration may be made to the Admissions, Credits and Residency Committee in writing through the Assistant Vice President of Enrollment Management. Appointments for students to appear before the committee and copies of written appeals for committee members will be made by the Assistant Vice President of Enrollment Management. Appeals are only heard from students who appear before the committee. Unless additional guests are requested in advance and approved by the Committee Chair, only the student may appear before the committee. Students may bring additional material to support their appeal at the committee meeting. The Committee shall include a member of the Enrollment Management Division, though other than the Records and Registration Office and the Admissions Office. A member of the Records and Registration Office and the Admissions Office may be called as a witness during the appeal. The Committee Chair will prepare a record of the student appeals including the name of the student; the date of the committee meeting; the committee members present; names of any other guests; and a statement of the resulting decision of the committee. A copy of this record will be kept in the office of the Assistant Vice President of Enrollment Management. The Assistant Vice President of Enrollment Management will inform the student of the committee's action with a written decision. A decision by the Admissions, Credits and Residency Committee may be appealed in writing to the President. All appeals must be received within five (5) class days of receipt by the student of the Committee's decision.

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 term or semester during which reclassification is sought and obtained

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unless application for reclassification is made on or before the last day of registration prior to classes.