

Policies

USM Bylaws, Policies and Procedures of the Board of Regents

Policy on Student Classification For Admission and Tuition Purposes

(Approved by the Board of Regents August 28, 1990; Amended July 10, 1998; Amended November 27, 2000; Amended April 11, 2003; Amended June 23, 2006; Amended February 15, 2008)

I. POLICY

A. Purpose

To extend the benefits of its system of higher education while encouraging the economical use of the State's resources,¹ it is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the tuition categories of in-state and out-of-state students for the purpose of admission and assessing tuition at USM institutions.

B. Burden of Proof

The person seeking in-state status shall have the burden of proving by clear and convincing evidence that he or she satisfies the requirements and standards set forth in this Policy. Assignment of in-state or out-of-state status will be made by the applicable USM institution upon a review of the totality of facts known or presented to it.

C. In-state Status

To qualify for in-state tuition, a student must demonstrate that, for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status, the student had the continuous intent to:

1. Make Maryland his or her permanent home; and
2. Abandon his or her former home state; and
3. Reside in Maryland indefinitely; and
4. Reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.

Satisfying all of the requirements in Section II (and Section III, when applicable) of this policy demonstrates continuous intent and qualifies a student for in-state tuition. Students not entitled to in-state status under this policy shall be assigned out-of-state status for admission and tuition purposes.

D. Presumption

Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution and therefore, does not qualify for in-state status under this policy:

1. A student is attending school or living outside Maryland at the time of application for admission to a USM institution, or

2. A student is Financially Dependent on a person who is not a resident of Maryland.

This presumption may be rebutted. The student bears the burden of rebutting the presumption. See "III. Rebuttal Evidence" below.

II. REQUIREMENTS

Before a request for classification to in-state status will be considered, a student must comply with all of the following requirements for a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status. The student must demonstrate he or she:

- A. Owns or possesses, and has continuously occupied, including during weekends, breaks and vacations, living quarters in Maryland. The student must provide evidence of a genuine deed or lease and documentation of rent payments made. In lieu of a deed or lease, a notarized affidavit from a landlord showing the address, name of the student as occupant, term of residence, and history of rent payments made will be considered. As an alternative, a student may demonstrate that he or she shares living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian or spouse.
- B. Has substantially all of his or her personal property, such as household effects, furniture and pets in Maryland.
- C. Has paid Maryland income tax on all taxable income including all taxable income earned outside the State and has filed a Maryland tax return.
- D. Has registered all owned or leased motor vehicles in Maryland.
- E. Possesses a valid Maryland driver's license, if licensed.
- F. Is registered to vote in Maryland, if registered to vote.
- G. Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
- H. Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.
- I. Has rebutted the presumption that he or she is in Maryland primarily to attend an educational institution, if the student's circumstances have raised the presumption.

III. REBUTTAL EVIDENCE

Satisfying the requirements listed in paragraphs A through I of Section II, does not rebut the presumption that a student is in Maryland primarily to attend an educational institution. To overcome the presumption, a student must present additional evidence.

To determine a student's intent, the University will evaluate evidence of a student's objectively verifiable conduct. Evidence that does not document a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status is generally considered an unfavorable factor under this policy. Evidence of intent must be clear and convincing and will be evaluated not only by the amount presented but also based upon the reliability, authenticity, credibility and relevance of the evidence.

The absence of objective, relevant evidence is generally considered an unfavorable factor. A student's statement of intent to remain in Maryland in the future is generally not considered to be objective evidence under this policy.

Additional evidence that will be considered includes, but is not limited to, the following:

A. Source of financial support:

1. Maryland employment and earnings history through sources beyond those incident to enrollment as a student in an educational institution e.g., beyond support provided by work study, scholarships, grants, stipends, aid, student loans, etc., (Tuition costs will be considered as a student expense only to the extent tuition exceeds the amount of any educational scholarship, grant, student loan, etc.), or
 2. Evidence the student is Financially Dependent upon a person who is a resident of Maryland.
- B. Substantial participation as a member of a professional, social, community, civic, political, athletic or religious organization in Maryland, including professionally related school activities that demonstrate a commitment to the student's community or to the State of Maryland.
 - C. Registration as a Maryland resident with the Selective Service, if male.
 - D. Evidence showing the student uses his or her Maryland address as his or her sole address of record for all purposes including on health and auto insurance records, bank

accounts, tax records, loan and scholarship records, school records, military records, leases, etc.

- E. An affidavit from a person unrelated to the student that provides objective, relevant evidence of a student's conduct demonstrating the student's intent to live permanently in Maryland.

IV. NON-RESIDENTS WHO MAY TEMPORARILY QUALIFY FOR IN-STATE STATUS

In addition, persons with the following status shall be accorded the benefits of in-state status for the period in which they hold such status:

- A. A full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.
- B. The spouse or Financially Dependent child of a full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.
- C. A full-time active member of the Armed Forces of the United States whose home of record is Maryland or one who resides or is stationed in Maryland, or the spouse or a Financially Dependent child of such a person. Students that qualify under this provision will retain in-state status for tuition purposes as long as they are Continuously Enrolled regardless of a change in military assignment or status of the active member of the military.
- D. A veteran of the United States Armed Forces with an honorable discharge who, within one year of discharge, presents documentation that he or she attended a secondary school in the State for at least three years, and graduated or received the equivalent of a high school diploma from a secondary school in the State. The veteran must present documentation and register at a USM institution within one year of discharge for this provision to apply.
- E. For UMUC, a full-time active member of the Armed Forces of the United States on active duty, or the spouse of a member of the Armed Forces of the United States on active duty.
- F. A graduate assistant appointed through a USM institution for the semester/term of the appointment. Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship.

V. PROCEDURES

- A. An initial determination of in-state status will be made at the time of admission. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.

- B. A change in status must be requested by submitting a USM institution's "Petition for Change in Classification for Tuition". A student applying for a change to in-state status must furnish all evidence that the student wishes the USM institution to consider at the time the petition is due. The due date is based on the deadline set forth by the USM institution at which the student seeks to enroll. If the applicable USM institution has no such deadline, the due date is the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the USM institution in writing within fifteen (15) days of any change in circumstances which may alter in-state status.
- D. In the event incomplete, false, or misleading information is presented, the USM institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policy. Such action may include suspension or expulsion. If in-state status is gained due to false or misleading information, the institution reserves the right to retroactively assess all out-of-state charges for each semester/term affected.
- E. Each USM institution shall develop and publish additional procedures to implement this Policy. Procedures shall provide that on request the institution President or designee has the authority to waive any requirement set forth in Section II if it is determined that the application of the requirements creates an unjust result. These procedures shall be filed with the Office of the Chancellor.

VI. DEFINITIONS

- A. Financially Dependent: For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes.
- B. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- C. Guardian: A guardian is a person so appointed by a court order recognized under the law of the State of Maryland.
- D. Spouse: A spouse is a partner in a legally contracted marriage.
- E. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.
- F. Regular Employee: A regular employee is a person employed by USM or a USM institution who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.

G. Continuous Enrollment:

1. Undergraduate Student - An undergraduate student who is enrolled at a USM institution for consecutive fall and spring semesters, until completion of the student's current degree program or unless on an approved leave of absence or participating in an approved program off-campus.
2. Graduate and Professional - Continuous enrollment for a graduate or professional student is defined by the institution in accordance with program requirement

VI. IMPLEMENTATION

This policy as amended by the Board of Regents on February 15, 2008 shall be applied to all student tuition classification decisions made on or after this date.

¹ *Annotated Code of Maryland, Education Article §12-101.*

FSU Procedure for Residency Status Appeals

Any student who wishes to appeal the decision of residency status previously determined by the Office of the Registrar or the Admissions Office, may do so in writing to the Appeals Board for Residency Status. This board shall consist of representatives designated by the Provost, the Vice President for Student and Educational Services, and the Vice President for Administration and Finance. The appeal will be reviewed by the board members in the order listed. Only by unanimous agreement of the board members will the decision of the Office of the Registrar or Admissions be overruled. Upon request, the President or designee has the authority to waive any residency requirements if it is determined that the student is indeed a permanent resident and application of the criteria creates an unjust result.

A student desiring to appeal should obtain and submit the University System of Maryland "Petition for Change in Classification for Tuition" through the office that made the original residency status decision, the Office of the Registrar or the Admissions Office.

University Procedures for Review of Alleged Arbitrary and Capricious Grading

Grounds for Grievance

The following procedures implement the University System of Maryland Policy for Review of Alleged Arbitrary and Capricious Grading (BOR III-1.20) and are designed to provide a means for a student to seek review of final course grades alleged to be arbitrary and capricious. In this policy the term *arbitrary and capricious* grading means 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.

Alleging a final grade to have been determined in an arbitrary and capricious manner is the sole ground upon which a student may seek review under these procedures. Since matters within the instructor's sphere of academic judgment — such as choice of instructional and evaluation methods, criteria, and standards for evaluation — are not grounds for grievance, the burden of proving arbitrary and capricious grading by clear and convincing evidence will rest with the student.

How to Undertake a Grade Grievance

Students or faculty who desire additional information about the procedures that follow should contact the Assistant to the Provost.

Stage I: Mediation

A student seeking review for a final grade in a course should make a reasonable effort to confer with the instructor and attempt to resolve the matter informally. If this effort is unsuccessful, the student approaches the chair of the department offering the course to request mediation of the grade dispute. This action must be taken no later than the 15th class day of the semester subsequent to the term in which the grade was received. The chair will inform the student of the grounds proper to a grade grievance, as stated above. The chair also will review relevant material and consult with the instructor in an effort to resolve the issue of the grade. (If the instructor involved is the chair, the student approaches the senior faculty member in the department to request mediation.)

In cases where a resolution mutually acceptable to the student and the instructor is not forthcoming, and the student wishes to pursue a formal grievance, the student may proceed to Stage II.

Stage II: Formal Grievance

As a precondition to filing a formal grievance, a student must fulfill all of his/her responsibilities and meet the deadline specified in Stage I: Mediation above.

By the end of the 30th class day of the semester, a student wishing to grieve a grade must file a written grievance with the instructor's school dean. This grievance must describe in detail the bases for the allegation that the grade was arbitrary and capricious, and include all evidence supporting that claim. The student must send copies of this statement to the instructor and the chair.

The dean will dismiss the grievance if the student 1) did not participate in Stage I: Mediation and/or meet the deadline specified in Stage I; 2) did not file the Stage II appeal by the stated deadline; 3) does not furnish evidence that the allegations, if true, constitute arbitrary and capricious grading, as defined above; and/or 4) has filed a complaint concerning the same grade with the Office of Affirmative Action/EEO alleging discrimination or sexual harassment.

If the grievance is not dismissed, the dean shall ask the instructor to respond to the grievance in writing within ten class days, addressing the response to the dean and copying the student and the chair. The dean will ask the chair to forward all documentary evidence collected during the mediation stage to the dean.

If the grievance is not dismissed, the dean shall appoint within ten class days a grade grievance committee of three tenured faculty members and shall schedule an informal, non-adversarial grade grievance hearing. The student, the instructor, and the chair will be invited to attend the hearing, and may present relevant evidence. The dean also will attend and may choose to participate in the discussion. In keeping with the informal nature of the hearing, neither the student nor the instructor may be accompanied by a representative or advisor. If the academic records of other students in the grievant's class are relevant to the discussion, the grievant must be excused for that portion of the hearing in order to protect the

privacy of other students. At the conclusion of the hearing, the committee shall forward its recommendation to the dean, who may accept, reject or alter the recommendation. The dean shall render a decision to the student in writing, either in support of the original grade or of a grade change. If the dean recommends a grade change and the instructor refuses to change the grade, the dean will vacate and replace the grade in question.

In deciding whether the circumstances justify changing the grade, the dean shall determine whether the grievant has provided clear and convincing evidence of *arbitrary and capricious* grading. Copies of the dean's decision, which shall be final, will be filed with the instructor and the chair.