Proposed Changes to Regulations: Section IV.C. – Residency Status

At the June 12, 2015, Board of Trustees meeting, the Board approved First Reading of proposed changes to the Board *Regulations*, Section IV.C., Residency Status.

During the interim between first reading and final Board action, the proposed changes are publicly posted for campus input. Any comments regarding the revisions must be received in writing and will be shared with the Board prior to the second reading and final action which is planned for the October 2, 2015, Board of Trustees Meeting. All comments received will be shared with the Board before the October 2 meeting. Please send any written comments to the President's Office by Monday, September 21, 2015.

Below is the Resolution passed by the Board on June 12, 2015 and proposed revisions.

WESTERN ILLINOIS UNIVERSITY
BOARD OF TRUSTEES
June 12, 2015

Resolution No. 15.6/14
Revision to Board *Regulations*, IV.C,
Residency Status – First Reading

Resolution:

WHEREAS the Board of Trustees of Western Illinois University Board of Trustees Regulations establish the standards for determining residency requirements for students; and

WHEREAS the Residency Status section of the current Board of Trustees Regulations needs to be changed to reflect the requirements of the U.S. Department of Veterans Affairs and current practices for establishing residency; and

WHEREAS the Western Illinois University Board of Trustees have made changes to the Residency Requirements that are not reflected in the Regulations:

THEREFORE be it resolved that the Board of Trustees of Western Illinois University approves First Reading of the revision to the Regulations Section IV.C – Residency Status.

IV. Students (continued)

C. Residency Status (Approved March 27, 2009)

1. Definitions

For purposes of this regulation, the following definitions pertain:

a. An "adult student" is a student who is eighteen or more years of age.

b. A "minor student" is a student who is less than eighteen years of age.

c. An "emancipated minor student" is a completely self-supporting student who is less than eighteen years of age. Marriage or active military service shall be regarded as effecting the emancipation of minors, for the purposes of this regulation.

d. "Residence" means legal domicile. Voter registration, filing of tax returns, proper license and registration for driving or ownership of a vehicle, and other such transactions may verify intent of residence in a state. Neither length of university attendance nor continued presence in the university community during vacation periods shall be construed to be proof of Illinois residence. Except as otherwise provided in this regulation, no ***student,*** parent or legal or natural guardian will be considered a resident unless the ***student,*** parent or guardian maintains a bona fide and permanent residence in Illinois, except when temporarily absent from Illinois, with no intention of changing his or her legal residence to some other state or country.

2. Residency Determination

The University shall determine the residency status of each student enrolled in the University for the purpose of determining whether the student is assessed in-state or out-of-state tuition. Each applicant for admission shall submit at the time of application evidence for determination of residency in accordance with this regulation. The office responsible for admissions shall make a determination of residency status.

a. If a non-resident is classified by error as a resident, a change in tuition charges shall be applicable beginning with the term following reclassification. If the erroneous resident classification is caused by false information submitted by the student, a change in tuition charges shall be applicable for each term in which tuition charges were based on such false information. In addition, the student who has submitted false information may be subject to appropriate disciplinary action.

b. If a resident is classified by error as a non-resident, a change in tuition charges shall be applicable during the term in which the reclassification occurs, provided that the student has proven residency in accordance with this regulation.

3. Residency Requirements

a. Adult Students

To be considered a resident, an adult student must be a bona fide resident of Illinois as defined in IV.C.1.d. In the case of adult students who reside with their parent(s), the student will be considered a resident if one of the parents has established and is maintaining a bona fide residence in Illinois.

To be considered a resident ~~for the first year of attendance~~, an adult student not residing in Illinois must be a bona fide resident of one of the approval ***states*** ~~counties~~ outside of Illinois. The Board of Trustees will approve the appropriate ***states*** ~~counties~~ which will be listed in the cost section of the official Western Illinois University catalog.

b. Minor Students

The residence of a minor student shall be considered to be the same as that of his/her parents or that of either parent if the parents are separated or divorced or that of his/her legally appointed or natural guardian such as a grandparent, adult brother or adult sister, adult uncle or adult aunt by whom the minor has been supported.

c. Emancipated Minors

If emancipated minors actually reside in Illinois, such minors shall be considered residents even though their parents or guardians may not reside in Illinois.

d. Minor Children of Parents Transferred outside the State of Illinois

The minor children of persons who have resided in Illinois immediately prior to a transfer by their employers to some location outside of the State of Illinois shall be considered residents. This rule shall apply, however, only when the minor children of such parents enroll in the University within five years of the time their parents are transferred by their employer to a location outside the State of Illinois.

e. Married Students

A non-resident student, whether minor or adult, who is married to a person who meets and complies with all of the applicable requirements of these regulations to establish residence status, shall be classified as a resident.

f. Armed Forces Personnel

Non-residents of Illinois who are on active duty with one of the services of the Armed Forces of the United States who are stationed in Illinois and who submit evidence of such service and station, as well as the spouses and dependent children of such persons, shall be considered residents as long as such persons remain stationed in Illinois and the spouses

and/or dependent children of such persons also reside in Illinois. If such persons are transferred to a post outside the continental United States but such persons remain registered at the university, residency status shall continue until such time as these persons are stationed within a state other than Illinois within the continental United States. ***Effective July 1, 2015, students using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (Chapter 33), the All-Volunteer Force Educational Assistance (Chapter 30), or any subsequent variation of those Acts, WIU shall deem that student an Illinois resident for tuition purposes regardless of the covered student's state of residence.***

g. Staff Members of the University, Allied Agencies, and Faculty of State-Supported Institutions in Illinois

   Staff members of the University and of allied agencies, and faculties of state-supported institutions of higher education in Illinois, holding appointment of at least one-quarter time, and their spouses and dependent children, shall be treated as residents.

h. Teachers in Public and Private Illinois Schools

   Teachers in the public and private elementary and secondary schools of Illinois shall, if subject to payment of tuition, be assessed at the resident rate during any term in which they hold an appointment of at least one-quarter time, including the summer session immediately following the term in which the appointment was effective.

4. Residency Status Appeal Procedure

Students who take exception to their residency status classification shall pay the tuition assessed but may appeal to the University Registrar by proving Illinois residency in accordance with these regulations. The appeal must be filed within sixty (60) calendar days from the date of the tuition bill or the student loses all rights to a change of residency status for the term in question. If the student is dissatisfied with the ruling in response to the appeal made within said period, the student may file a written appeal within thirty (30) calendar days of receipt of the decision of the Administrative Hearing Committee, which shall consider all evidence submitted in connection with the case and render a decision which shall be final.

5. Special Situations

The President may, in special situations, grant residency status to categories of persons otherwise classified as non-residents under this regulation.