



MISSISSIPPI STATE UNIVERSITY

ACADEMIC OPERATING POLICY AND PROCEDURE

MEMORANDUM TO: All Holders of Mississippi State University Academic Operating Policy and Procedure Manual

DATE: December 15, 1989 - Revised: August 12, 2007

SUBJECT: AOP 31.02- Legal Resident Status

PURPOSE

The purpose of this Academic Operating Policy and Procedure (AOP) is to insure an understanding about the standardized procedures concerning the legal resident status at Mississippi State University.

REVIEW

This AOP will be reviewed every four years (or whenever circumstances require an earlier review) by the registrar with recommendations for revision presented to the Provost and Vice President for Academic Affairs.

POLICY/PROCEDURE

Students are classified as in-state or out-of-state for the purpose of paying University fees. The Office of Admissions and Scholarships will make the initial classification at the time when a student's application for admission is processed. The burden of proof for establishing residency resides with the applicant. If a student misrepresents his or her residency status, the Office of the University Registrar, Office Admissions and Scholarships or Office of Graduate Studies may refer the student to the Dean of Students for possible action under the provisions of Student Affairs Policy OP 91.100: Code of Conduct. Additionally, the University Registrar is authorized to change a student's residence status upon receipt of evidence that the student is improperly classified.

The section 603, of the Policies and Bylaws of the Institutions of Higher Learning,, the Mississippi State Code (state laws), and court decisions apply in determining the residential status of students for the purpose of enrolling and paying fees at a state-supported institution of higher learning. The following is IHL Board Policy as of the date of this revision.

NOTE: THIS POLICY HAS BEEN SUPERSEDED

603.01 RESIDENCE OF A MINOR

For purposes of determining of whether a minor pays out-of-state or in-state tuition for attendance at universities, community and junior colleges, the residence of a person less than 21 years of age is that of the father, the mother or a general guardian duly appointed by a proper court in Mississippi. If a court has granted custody of the minor to one parent, the residence of the minor is that of the parent who was granted custody by the court. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent's death, unless the minor lives with a general guardian duly appointed by a proper court of Mississippi, in which case his/her residence becomes that of the guardian. A minor student who, upon registration at a Mississippi institution of higher learning or community college, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four years of secondary school attendance shall not be required to pay out-of-state tuition. This section shall not apply to the residence of a person as it relates to residency for voter registration or voting. **Miss. Code Ann., §37-103-7, as amended. (BT Minutes, 9/90; 1/98; 12/2005)**

603.02 RESIDENCE OF AN ADULT

The residence of an adult is that place where he/she is domiciled, that is, the place where he/she actually physically resides with the intention of remaining there indefinitely or of returning there permanently when temporarily absent. **Miss. Code Ann., §37-103-13, as amended. (BT Minutes, 9/90; 1/98)**

603.03 REMOVAL OF PARENTS FROM MISSISSIPPI

If the parents of a minor who is enrolled as a student in a junior college or in an institution of higher learning move their legal residence from the State of Mississippi, the minor shall be immediately classified as a nonresident student upon completion of the semester in which the move takes place. **Miss. Code Ann., §37-103-11, as amended. (BT Minutes, 9/90; 1/98; 12/2005)**

603.04 RESIDENCE REQUIRED

No student may be admitted to any junior college or institution of higher learning as a resident of Mississippi unless his/her residence has been in the State of Mississippi preceding his/her admission. Residence shall be as defined in Sections 37-103-7 and 37-103-13 unless excepted in this chapter. **Miss. Code Ann., §37-103-3, as amended. BT Minutes, 9/90; 1/98)**

603.05 RESIDENCY PETITIONS

Nonresidents may petition the institutions for a change of residency classification. A person who enters the state of Mississippi from another state and enters a system institution is considered a nonresident. Provided, however, that any person who has attained 21 years of age and has thereafter actually established residency and resided with the state of Mississippi for 12 consecutive months after attaining 21 years of age upon sworn affidavit and other representation, may petition the particular institution for a change in residency classification for the purposes of fees and tuition assessment. The institution may make reasonable inquiry into the validity of the petitioner's claim. Such petition for change of residency must be made on or before the last day a student may register at the particular institution without penalty. **BT Minutes, 9/90; 1/98)**

Factors Regarding Residency (documents and evidence used by MSU to determine residency within 603.05).

Although domicile and residency for educational purposes are largely matters of intention, this intention is determined objectively from the facts and circumstances surrounding a claim of in-state residency. Some of the factors relevant to determining residency include:

- Actual physical residence of habitation
- Length of time at actual physical residence
- Residence used for income tax, loan, banking and other purposes
- Voter registration
- Motor vehicle registration (Persons moving into the state on a permanent basis have 30 days per state law to register vehicles.)
- Driver's license held (Persons moving into the state on a permanent basis have 60 days per state law to acquire driver's licenses.)
- State to which personal income taxes or other taxes paid
- Status of income sources
- Location of bank, savings and other accounts

Responsibility for Reporting Change. It is the individual student's responsibility to report immediately to the Registrar any change which will affect his or her residence status under these regulations.

603.06 LEGAL RESIDENCE OF A MARRIED PERSON

A married person may claim the residence status of his or her spouse, or he or she may claim independent residence status under the same regulations set forth in Section 37-103-13 as any other adult. **Miss. Code Ann., §37-103-15, as amended. BT Minutes, 9/90; 1/98; 12/2005)**

603.07 CHILDREN OF FACULTY OR STAFF

Children of parents who are members of the faculty or staff of any institution under the jurisdiction of the board of trustees of any junior college in this state or the Board of Trustees of State Institutions of Higher Learning may be classified as residents for the purpose of attendance at the institution where their parents are faculty or staff members. **Miss. Code Ann., §37-103-9, as amended. (BT Minutes, 9/90; 1/98; 12/2005)**

603.08 MILITARY PERSONNEL

603.0801 ACTIVE DUTY STATION IN MISSISSIPPI

Members of the United States Armed Forces on extended active duty and stationed within the State of Mississippi and members of the Mississippi National Guard may be classified as residents, for the purpose of attendance at state-supported institutions of higher learning and community and/or junior colleges of the State of Mississippi. Resident status of such military personnel, who are not legal residents of Mississippi, as defined in Section 37-103-13, shall terminate upon their reassignment for duty in the continental United States outside the State of Mississippi. **Miss. Code Ann., §37-103-17, as amended. BT Minutes, 9/90; 1/98; 12/2005)**

603.0802 SPOUSE OR CHILD OF MILITARY PERSONNEL

Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of §600 – 14 higher learning and community/junior colleges of the State of Mississippi during the time that their military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en-route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status. The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi.

If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with the Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or non-enrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program.

The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection do not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States. **Miss. Code Ann., §37-103-19, as amended. (BT Minutes, 9/90; 1/98; 12/2005)**

603.0803 CERTIFICATION OF RESIDENCE OF MILITARY PERSONNEL

A military person on active duty stationed in Mississippi who wishes to avail himself/herself or his/her dependents of the provisions of Section 37-103-17 must submit a certificate from his/her military organization showing the name of the military member; the name of the dependent, if for a dependent; the name of the organization of assignment and its address (may be in the letterhead); that the military member will be on active duty stationed in Mississippi on the date of registration at the state-supported institution of higher learning or junior college of the State of Mississippi; that the military member is not on transfer orders; and the signature of the commanding officer, the adjutant, or the personnel officer of the unit of assignment with signer's rank and title. A military certificate must be presented to the registrar of the state-supported institution of higher learning or junior college of the State of Mississippi each semester or tri-semester at (or within 10 days prior to) registration each semester for the provisions of said section to be effective. **Miss. Code Ann., §37-103-21, as amended. (BT Minutes, 9/90; 1/98; 12/2005)**

603.0804 OUT-OF-STATE TUITION FOR NONRESIDENTS

The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community/junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community/junior colleges of the State of Mississippi. Except as otherwise provided in this subsection, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established in the above paragraph if:

1. The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both;
2. The nonresident student is a veteran who served in the Armed Forces of the United States;
3. The nonresident student is domiciled in Mississippi no later than six months after the nonresident student's separation from service, as evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community/junior college; or
4. The nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only. **(BT Minutes, 12/2005)**

Non U.S. Citizens (Persons residing in the US under Alien (Non US Citizen/Visa)) residency status.

All aliens are classified as nonresidents except that lawfully admitted alien (international) persons with residence status established under a Visa (other than F-1) status, temporary resident status, or refugee status can establish Mississippi residence by meeting the same residency requirements as any U.S. Citizen. Factors Regarding Residency under 603-05 apply – except requirement for voter registration. **§ 37-103-23, Mississippi Code of 1972. Aliens. U.S. District Court in the case of Jagnandan v. Giles, 379 F. Supp. 1178 (N.D. Miss. 1974).**

Out-of State Tuition Waivers at Mississippi State University:

In addition to state laws and regulations, the University has established certain IHL Board approved regulations concerning the payment of non-resident tuition. Mississippi State University (except the College of Veterinary Medicine) may waive a percentage of the non-resident tuition for the following groups of students:

1. Those that are currently awarded band scholarships.
2. Those that are currently awarded choral scholarships.
3. All graduate students holding assistantships. (Rules applicable to these awards may be found in the Graduate Studies Bulletin or in the Graduate Assistant Handbook. Both publications are available on the MSU Web: www.msstate.edu/dept/grad/publications.)
4. Children of Mississippi State University alumni. (Application deadline is April 1) (For this purpose, an alumnus or alumna is defined as one who has earned a minimum of 48 MSU undergraduate credit hours or 30 MSU graduate credit hours of course work or received a degree from Mississippi State University. Graduate students must maintain a B (3.0) grade point average to continue eligibility for this award. STUDENT AFFAIRS OP 94.178: Policy on Out-of-State Tuition Waivers is available on the MSU Web: www.msstate.edu/dept/audit/mainindex.)
5. Non-resident students who are certified participants in The Academic Common Market. Academic Common Market out-of-state tuition waivers are available for specific academic programs for students from certain states. Application must be made first with the awarding state. The student must be a legal resident of that state and approved for a specific major at MSU. Both undergraduate and graduate students are eligible to apply. A qualified student must maintain full time status. The waiver is 100 percent of out-of-state tuition and will remain at this level unless the student's field of study changes or a student no longer has full time status. To be eligible for the non-resident waiver during the first semester of enrollment, applications and resident verification must be submitted to and approved by the Office of the Provost and Vice President for Academic Affairs on or before the last day a student may register at the particular institution without penalty. For more information about submission and deadlines, please contact that office at 662-325-3742. Students seeking information on the Academic Common Market waiver should write to the Academic Common Market at the Southern Regional Education Board, 592 10th Street, N.W., Atlanta, GA 30318-5790. The Web site may be accessed at www.sreb.org/programs/acm/acmindex.asp.

NOTE - THIS POLICY HAS BEEN SUPERSEDED

RESPONSIBILITIES

<u>Position</u>	<u>Section</u>	<u>Year</u>
University Registrar	Review	2011

APPROVED:

/s/ Bobby Stokes
University Registrar

03-08-07
Date

/s/ Peter Rabideau
Provost and Vice President
for Academic Affairs

03-08-07
Date

/s/ Robert Wolverton
President, Robert Holland Faculty Senate

03-15-07
Date

REVIEWED BY:

/s/ Don Zant
Director, Office of Internal Audit

03-27-07
Date

/s/ Charles Guest
General Counsel

04-12-07
Date

APPPROVED:

/s/ Robert H. Foglesong
President

08-12-07
Date

NOTE: THIS POLICY HAS BEEN SUPERSEDED