

WAYNE STATE UNIVERSITY
RESIDENCE REGULATIONS AND REVIEW PROCEDURES
(As Approved by the Board of Governors, November 28, 2007 - Effective Fall Term 2008)

INTRODUCTION

These regulations and review procedures are established by Wayne State University for tuition and fee purposes. The University recognizes that a variety of definitions exist for the term "resident" and applicants are encouraged to give careful attention to these regulations which define residency for University tuition purposes.

REGULATIONS

1. **Physical Presence in Michigan**
Generally an individual must document at least six months of continuous physical presence in the state as the first step in establishing eligibility for a residence classification. The six months continuous residence must be completed before the first day of classes for the term in which a residence classification is sought. A minimum of six month physical residence is a first step, but is not the only criterion used in determining residency, and by itself will not qualify a student for resident status. If the six month physical residence is fulfilled while a student is enrolled as a student, it is presumed that a student is primarily here for educational purposes and not to establish domicile. Under limited circumstances (see 4. below) which clearly demonstrate that presence in the State of Michigan is for purposes of employment and not education, an individual may be immediately eligible for a Michigan residence classification, prior to the passage of the minimum six months residence.
2. **Temporary Absences**
For the purpose of these regulations, the terms "residence" and "domicile" are used interchangeably. In general, domicile is the place where a person actually resides with the intention of making it the person's true, fixed, permanent home, and principle establishment, and to which whenever (s)he is temporarily absent, (s)he has the intention of returning. Full-time attendance at a school outside Michigan and enlistment in a military service may be examples of temporary absences. Other types of absences for more than six months will be presumed to be non-temporary.
3. **Presence for Educational Purposes**
The presence in this state of a student from another state or country for the primary purpose of attending school is not residence. It is presumed that a non-resident at the time of his or her enrollment continues in that classification throughout his or her presence as a student, except where it can be established that presence in the State of Michigan is primarily for purposes that are not educational, with enrollment only incident to the primary purpose of establishing a domicile. If a student enrolls in undergraduate school for more than 8 credit hours, or in graduate school for more than 6 credit hours, or in Law School for more than 10 credit hours in any one full length term, within 6 months after arrival in Michigan, it is normally presumed that the student's sojourn is for the purpose of attending school and not to establish domicile. Applicants must demonstrate that their presence in Michigan is primarily for purposes that are not related to enrollment.
4. **Factors Considered in a Residence Classification**
The following facts, although not conclusive, have probative value in support of a claim for residence classification: acceptance of an offer of permanent employment in this state; former residence in the state and the maintenance of significant connections while absent; economic, social compulsion causing a person to abandon a former residence and acquire residence in the state, with attendance at the University only an incident to such residence. Students or their dependents providing verification that their presence in Michigan is the result of a job transfer decision made by an employer are eligible for a waiver of the six-month minimum residence requirement, as described in Section 1.

The following facts, standing alone, are not accepted as sufficient evidence of domicile: employment by the University as a fellow, scholar, assistant, or in any position normally filled by students; a statement of intention to acquire a domicile in this state; voting or registration for voting; the lease of living quarters; payment of local and state taxes; automobile registration; driver's license; continued presence in Michigan during vacation periods.
5. **For purposes of these regulations, the age of majority is 18 years. A minor does not have the capacity to establish his or her own domicile. Normally, the domicile of a minor follows:**
 - a. That of the parents or surviving parent; or
 - b. That of the parent to whom custody of the minor has been awarded by a divorce or other judicial decree; or
 - c. That of the parent with whom the minor in fact makes his or her home, if there has been a separation without a judicial award of custody; or
 - d. That of an adoptive parent, where there has been a legal adoption, even though the natural parents or parent may be living; or
 - e. That of a "natural" guardian, such as grandparent with whom the minor in fact makes his or her home, where the minor has permanently left his or her parental home and reasonable expectation of substantial financial support from the parents has been dissolved.
 - f. If a Michigan resident parent or guardian of a minor moves his or her residence to another state, the minor shall remain eligible for resident tuition status as long as (s)he continues to attend school regularly in this state.
 - g. Where a general guardian has been appointed by the state of the ward's domicile, at the time of appointment the ward's domicile presumption remains in that state. The appointment by a Michigan court of a resident guardian of a minor not domiciled in this state at the time of appointment has no effect upon the domicile of the ward.
 - h. A minor who has permanently left his or her parental home, and who has no reasonable expectation of substantial financial support from his or her parents or legal guardian, etc., may qualify for resident status as if (s) he were of majority age.

6. Non-U.S. Citizens

A non U.S. citizen may apply for resident status in the same manner as a citizen, if (s)he is in the United States for other than a temporary educational purpose. In order to demonstrate this, applicants must provide evidence from the U.S. Department of Citizenship and Immigration Services of one of the following:

- a. A U.S. permanent resident alien with a Permanent Resident Card (green card).
- b. An applicant for U.S. permanent residence whose Petition for Alien Relative, or Employment-based Immigration Petition for Alien Worker has been approved, or who have been issued an Employment Authorization documentation pending adjustment of status. These individuals will have documentation of this status such as an I-130 (Petition for Alien Relative) or I-140 (Immigration Petition for Alien Working) Approval Notice, or an I-151 or I-551 Notice of Action indicating approval of petition to become an immigrant.
- c. An alien with a current valid visa type issued for purposes of working in the United States, and currently working in the State of Michigan. These currently include visa types of A, E, G, H, I, L, R and TN.
- d. An alien granted asylum or refugee status.

Provisions for Waiver of the Non-Resident Portion of Tuition:

7. Military Service Provisions

Individuals serving in the U.S. Military and stationed in Michigan and their dependents are eligible for a Michigan residence classification. Stationing orders and proof of relationship (for dependents) must be provided with the application.

8. Good Neighbor Residence Provisions

Residents of Fulton, Lucas, Ottawa, and Williams counties in Ohio, or residents of Ontario, Canada who enroll at Wayne State in eligible programs will have the non-resident portion of their tuition and fees waived. This provision does not apply to all academic programs. WSU Tuition & Fee Regulations published each academic year identify specific academic programs eligible for this provision.

9. Online Program Provisions

Students enrolled in programs which are offered completely online will have the non-resident portion of their tuition waived. WSU Tuition & Fee Regulations published each academic year will identify the specific academic programs eligible for this provision.

REVIEW PROCEDURES

1) Initial Classification and Appeal

- a. Registering under proper residence and advising the University of changes in circumstances, which might affect residence classification, is the responsibility of the student. Questions concerning a student's residence prior to enrollment should be raised with the Office of Admissions. Questions arising after enrollment should be raised with the Registration & Scheduling.
- b. After enrolling a student may challenge the initial classification made by the Office of Admissions by filing an Application for Residence Classification with the Registration & Scheduling Office.
- c. Except for documented delays caused by University personnel, Applications for Residence Classification must be filed by:
September 30 for the Fall Term and the Medical Year Term
January 31 for the Winter Term
July 31 for the Spring/Summer Term
Deadlines falling on weekends will be extended to the next business day. Applications received after these dates will be processed for the following term.

2. Further Appeal

A student may appeal the Registration & Scheduling Office residence decision as follows:

- a. By filing a written notice of appeal with the Registrar within sixty (60) days after the student is notified of the classification decision. The notice of appeal shall include reasons for the appeal, the period for which resident status is claimed, and a complete statement of the facts on which the appeal is based, together with supporting affidavits or other documentary evidence. Failure to file notice within sixty (60) days shall constitute a waiver of any right to further appeal. The student has the right to consult the University Ombudsman at any time, and the student may particularly want to utilize the Ombudsman's services at this point in the review procedures.
- b. A student may appeal the Registrar's decision by filing a written notice of appeal with the Office of the General Counsel within fifteen (15) days from the date of the Registrar's decision. Failure to file written notice of appeal of the Registrar's decision with the Office of the General Counsel within fifteen (15) days shall constitute a waiver of any right to further appeal.
- c. A student may appeal the decision of the Office of the General Counsel within fifteen (15) days with the Office of the President. Failure to file written notice of appeal of the General Counsel's decision with the Office of the President within fifteen (15) days shall constitute a waiver of any right to further appeal. After the notice of appeal, the President or his designee shall review the student's appeal and render a final decision.

Erroneous Classification

- a. If an erroneous classification of non-resident occurs, an adjustment for the appropriate period and amount will be made.
- c. If an erroneous classification of resident occurs, the student shall be reclassified as a non-resident student. If the cause of his or her incorrect classification shall be found to be due to any material concealment of facts or false statement made by him or her at or before the time of his or her original classification, (s)he shall be required to pay all tuition and fees which would have been charged to him or her and shall be subject also to appropriate discipline in accordance with University Student Code of Conduct and Due Process policies. If it is determined that there is no such concealment of facts by the student, fees shall be adjusted only for current and future terms.

GENERAL GUIDELINES

If a student was admitted to WSU as a non-resident, but thinks that there are circumstances which would warrant changing the residency classification to that of resident, the student must file an Application for Resident Classification. Residency appeals must include all documentation that the student wishes the reviewer to consider in making the determination. The decision is not based on time alone, but rather on the entire set of documentation to determine the intent of the student when he/she moved to Michigan. Filing an appeal for change of residency does not relieve the student of the obligation to pay all assessed charges. If an appeal is approved, any credit that is created by the posting of the appeal will be reimbursed.

Documentation Which Must Be Included When Filing for Resident Classification

When filing an Application for Resident Classification, the following documentation must be included with the Application form:

- for all applicants: a copy of the driver's license of the applicant
- for all applicants: a copy of a lease agreement, property deed, or property title of the applicant
- for all applicants: copies of the front and signature pages of the most recent year's federal and state income tax returns and W2s for the applicant and the person or persons upon whom the applicant is basing the claim to resident eligibility
- for applicants born outside the U.S.: verification of U.S. citizenship or visa status
- for applicants who are dependents: copies of the front and signature pages of the parents' most recent year's federal and state income tax returns
- for applicants whose claim to eligibility for resident classification is based on permanent, full-time employment for themselves, a parent, spouse or domestic partner: a letter from the employer, written on letterhead (including phone number), stating the position, status and dates of employment. A copy of the most recent pay stub showing Michigan taxes being withheld should accompany the letter.

Applicants are also responsible for providing any other documentation necessary to support their claim to resident eligibility. Additional documentary evidence may be requested.

Circumstances which may demonstrate permanent domicile

The following circumstances and activities, though not conclusive or exhaustive, may lend support to a claim to eligibility for resident classification:

- both parents (in the case of divorce, one parent) permanently domiciled in Michigan as demonstrated by permanent employment, establishment of a household and severance of out of state ties
- applicant employed in the state in a full-time, permanent position provided that the applicant's employment is the primary purpose for the applicant's presence in Michigan
- spouse or domestic partner employed in the state in a full-time, permanent position provided that the spouse's or partner's employment is the primary purpose for the student's presence in Michigan

Circumstances which do not demonstrate permanent domicile

The circumstances and activities listed below are temporary or indeterminate and, in and of themselves, do not demonstrate permanent domicile:

- enrollment in high school, community college or university
- participation in a medical residency program, fellowship or internship
- employment that is temporary or short-term
- military assignment
- employment in a position normally held by a student
- ownership of property
- presence of relatives (other than parents)
- possession of a Michigan driver's license or voter's registration
- payment of Michigan income or property taxes
- the applicant's statement of intent to be domiciled in Michigan