



# PA State System of Higher Education Board of Governors

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**Effective:** March 19, 1985

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## **Policy 1985-03: Student Domicile Regulations**

**See Also:**

**Adopted:** March 19, 1985

**Amended:**

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NOTE: The regulations are also published in the Pennsylvania Code, Title 22, Part XVII, Chapter 507.

### **A. Definitions**

**University** - any of the 14 universities now constituting the Pennsylvania State System of Higher Education, as enumerated at 24 P.S. §§ 20-2002-A (pocket part), and such other universities as may hereinafter be admitted to the State System of Higher Education in accordance with law.

**Domicile** - the place where one intends to reside permanently or indefinitely and does in fact so reside.

**Tuition Fee** - the instructional fee established by the Board of Governors for Pennsylvania residents attending the universities and the tuition assessed residents of other states attending the universities.

**Clear and Convincing Evidence** - evidence sufficient to convince a reasonable mind that a fact sought to be proved is more likely than not true.

### **B. Classification**

The universities shall, subject to the provisions of these regulations, determine the residential classifications of all students. Students who are domiciled in Pennsylvania shall be assessed the tuition fee applicable to Pennsylvania residents and all other students shall be assessed the tuition fee applicable to non-residents.

### **C. Determination of Domicile**

Domicile is the place where one intends to reside either permanently or indefinitely and does in fact so reside. The presumptions and forms of evidence set forth hereafter shall be considered by the universities in making their determinations.

1. Continuous residence in Pennsylvania for a period of 12 months prior to registration as a student at an institution of higher education in Pennsylvania creates a presumption of domicile. A student is presumed not to be a domiciliary if he/she has resided for a shorter period before attending an institution of higher education, but may rebut this presumption by clear and convincing evidence.
2. Students who are not United States citizens, and have nonimmigrant visas or lack a visa, are presumed not to be domiciled in Pennsylvania, but they may rebut this presumption by clear and convincing evidence.
3. A minor is presumed to have the domicile of his or her parents or guardian. The age of majority for establishing a domicile for tuition purposes is 22; however, a minor may prove financial emancipation and thereby prove Pennsylvania domicile through clear and convincing evidence.
4. A United States government employee or a member of the armed forces who was domiciled in Pennsylvania immediately preceding entry into government service and who has continuously maintained Pennsylvania as his or her declared legal residence shall be presumed to have a Pennsylvania domicile. Nonresidents stationed in Pennsylvania for military service shall be deemed Pennsylvania domiciliaries.
5. A student receiving a scholarship, loan, or grant dependent upon maintaining domicile in a state other than Pennsylvania is presumed to be domiciled in the state from which he/she is receiving financial aid.
6. Evidence
  - a. The following factors may be considered as evidence of domiciliary intention but may be given such weight as the finder of fact given the circumstances of the case may assign to them:
    - (1) Lease or purchase of a permanent, independent residence within Pennsylvania by the student.
    - (2) Payment of appropriate state and local taxes. Special attention should be given to payment of Pennsylvania taxes on income earned during periods of temporary absence from Pennsylvania.
    - (3) Transfer of bank accounts, stocks, automobiles, and other registered property to Pennsylvania from another state.
    - (4) Procurement of a Pennsylvania driver's license.
    - (5) Procurement of a Pennsylvania motor vehicle registration.
    - (6) Agreement for permanent, full-time employment in Pennsylvania.
    - (7) Membership in social, civic, political, athletic, and religious organizations located in Pennsylvania.

(8) Registration to vote in Pennsylvania.

(9) A sworn statement by the student or his/her parents or guardian in the case of a minor declaring his/her intention to make Pennsylvania his/her residence either permanently or for an indefinite period of time.

(10) A sworn statement from the parents or guardian of a minor setting forth facts to establish the minor's financial independence and separate residence.

b. Each case shall be decided on the basis of all facts submitted, with qualitative rather than quantitative emphasis. No given number of factors is required for domicile, since the determination in each case is one of the subjective intention of the student to reside permanently or indefinitely in Pennsylvania.

#### **D. Procedures for Reclassification**

Any student may challenge the university's determination of his/her domicile and may appeal the university's disposition of his/her challenge to the Office of the Chancellor. Challenges shall be made in accordance with the following-stated procedures:

1. Any student who is dissatisfied with the university's determination of his/her classification may challenge it by filing a written petition with the university officer or committee designated by the university president to consider such challenges within 30 days after issuance of the determination. The petition shall contain a statement of reasons in support of the student's claim of Pennsylvania domicile and any supporting documentation the student may wish to submit. Untimely petitions shall not be considered.
2. The university shall date stamp all petitions on the date of receipt.
3. The student shall also execute a data form, which shall be provided to the university by the Office of the Chancellor.
4. When a student's petition is denied, the university officer or committee that considered it shall issue a written statement of the reasons for its decision and transmit it to the student's last known address by means of first class mail. The date of mailing shall be set forth on the face of the written decision but failure to do so shall not invalidate the decision.

#### **E. Appeals**

1. Any student who is dissatisfied with the decision made by such officer or committee in response to his/her petition, may appeal it by sending a written appeal to the Office of the Chancellor, Pennsylvania State System of Higher Education, 2986 North Second Street, Harrisburg, PA 17110.

2. The written appeal must be received by the Office of the Chancellor within 30 days of the date the university's decision was mailed to the student. The written appeal shall set forth the reasons why the student feels the university's decision is erroneous.
3. The Office of the Chancellor shall notify the university of the appeal. Upon such notice, the university shall transmit to the chancellor or his/her designee, copies of the student's data form and its statement of reasons. Additionally, the chancellor or his/her designee may require the student and the university officer or committee to meet to stipulate as to all undisputed facts.
4. The student and the university may submit written arguments in support of their positions to the chancellor or his/her designee in accordance with such limitations as that office may prescribe.
5. The chancellor or his/her designee shall issue a written decision granting or denying the student's appeal and shall transmit it to the student and the university by first class mail.
6. Within the State System of Higher Education the decision of the chancellor shall be final.

**F. Effective Dates of Reclassification**

1. Any reclassification that occurs because a petition or appeal is granted shall be effective the date it is determined that the student became a Pennsylvania domiciliary. If a petition or appeal was filed while the student was not enrolled, the reclassification shall be effective the next semester or term in which the student is taking course work.
2. Involuntary reclassifications made in accordance with § 153.7(2) shall be effective as of the date on which the university determines that the student has changed permanent residences and is no longer a Pennsylvania domiciliary. Students who change domiciles between semesters or terms shall be reclassified the next semester or term of enrollment.
3. The chancellor may, for good cause and at his/her discretion, vary the effective dates of reclassifications.

**G. Change of Domicile**

1. A student who changes his or her domicile from Pennsylvania to another state shall promptly give notice to the university.

A university may reclassify a student in the event it believes he or she is no longer a Pennsylvania domiciliary. The student may challenge such a determination under the procedures provided herein.