

REVISED POLICY ON RESIDENCY FOR TUITION PURPOSES  
AT THE STATE-OPERATED CAMPUSES



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## Memorandum to Presidents

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Date: April 15, 1983

Vol. 83 No. 4

From: Office of the Chancellor

Subject: Revised Policy on Residency for Tuition  
Purposes at the State-operated Campuses

To: Presidents, State-operated campuses

On October 27, 1982, the State University Board of Trustees amended the University's definition of "residence" for purposes of tuition at the State-operated campuses (see Memorandum to Presidents, Vol. 82, No. 11, December 2, 1982). The following is a brief summary of the revised policy and a set of guidelines to assist the campuses in the determination of residency status.

Summary of Policy. Commencing with the 1983-84 academic year, an individual University registrant will be considered a New York State resident and be charged in-State tuition rates when that individual is determined to have had a New York State domicile (i.e., a permanent and principal home in New York) for a twelve-month period prior to registration. Persons who do not meet this twelve-month durational requirement will be presumed to be out-of-State residents and should be charged out-of-State tuition rates unless satisfactory proof is presented to show that domicile in New York State has, in fact, been established, notwithstanding the durational requirement. This test should first be applied in a prospective manner to new enrollees starting in 1983-84, and thereafter to all new and returning students affected by the policy.

Implementation Steps. We believe that the initial determination of residence status under the revised policy should be based on the information provided by the student during the application process. For this reason, the standard State University (Application Processing Center [APC]) application form (beginning with the 1984-85 academic year) will include an inquiry on "residence" as follows:

"'Residence' for purposes of this question refers to your principal or permanent home to which you return. If your principal or permanent home has not been located in New York State for a twelve-month period

Memorandum to Presidents  
April 15, 1983

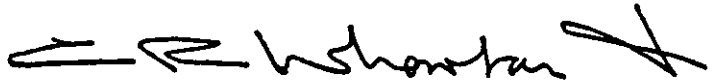
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Page 2.

prior to the date of registration for the academic term for which this application is made, you will be presumed to be an out-of-State resident for purposes of tuition."

To promote consistency, we recommend that all other application forms (graduate, professional, non-APC) should be revised to include this definition of "residence." In addition, all application forms should solicit information relative to a student's principal or permanent home for at least the previous twelve-month period.

As noted in the attached Guidelines, all new enrollees who seek in-State resident status and who have not been domiciled in New York State for the twelve-month period should be provided an opportunity at the campus for reclassification upon request by completing a standard application form (copy attached). We recommend that each chief administrative officer designate a campus officer who will be responsible for all initial and reclassification determinations. The appointment of a campus review panel should be established to assist that officer in reviewing factual issues.

Additional general guidance on the administration of the revised policy, including its application to nonimmigrant aliens, will be provided in Item 010.1 of the Administrative Procedures Manual. I am also asking the Vice Chancellor for Employee Relations and Educational Services, Dr. James S. Smoot, to schedule appropriate briefing sessions for those campus officers responsible for enforcement of this policy. In order to facilitate this effort, please provide the names of your campus designees to Dr. J. Norman Hostetter, Associate Vice Chancellor for Educational Services (518-473-1051), as soon as possible.



Clifton R. Wharton, Jr.  
Chancellor

Attachments

Copies for information only sent to:

Presidents, Community Colleges  
Deans, Statutory Colleges  
President Coll  
Vice Provost Spencer

GUIDELINES FOR THE DETERMINATION OF NEW YORK  
STATE RESIDENCY FOR TUITION PURPOSES AT  
STATE-OPERATED CAMPUSES OF STATE UNIVERSITY

1. State University regulations, as amended by Trustees' Resolution 82-259, adopted October 27, 1982, provide that:

Effective with respect to the 1983-84 academic term and thereafter, a person whose domicile has been in the State of New York for a period of at least one year immediately preceding the time of his registration for any period of attendance shall be a New York resident for the purpose of determining the tuition rate payable by him for such period. All other persons shall be presumed to be out-of-state residents for such purpose, unless domiciliary status is demonstrated in accordance with guidelines adopted by the Chancellor or his designee. (8 NYCRR §302.1(a)(6))

2. Summary:

An individual whose domicile has been in New York State for a one-year period prior to registration pays in-State tuition rates. Persons who do not meet this one-year requirement are out-of-State residents and pay out-of-State tuition rates. Persons in New York State less than one year prior to registration must use the "Standard Application for New York State Resident Status" (attached) to request a change to in-State tuition rates.

3. Residence as "Domicile"

- a. The term "registration" shall mean the "last date" for registration at each campus.
- b. In-State rates will be applied to members of the U.S. Armed Forces, while on full-time, active duty in New York State. This classification is provided to the eligible individual only and not to the spouse or dependents of such person.

-2-

- c. Domiciliary determinations affecting non-immigrant aliens in accordance with these Guidelines should be based on the facts presented and the particular visa category of the individual. Certain visa categories contain eligibility criteria which preclude the individual holder from establishing the requisite intent to remain permanently in New York State.

The term resident is defined as an individual whose domicile is in New York State. The following principles should assist the residency determination under this policy:

- An individual's domicile is that place where one maintains a permanent home and to which one intends to return.
- One retains a given domicile until it is abandoned and another established.
- One does not acquire a new domicile simply by a presence in New York State for attendance at an institution of higher education. However, the individual is not precluded from abandoning a former domicile and establishing a new one.
- The domicile of an unemancipated student is that of the parents or other legal guardian. The attainment of the age of majority (18 years) does not automatically separate one from the domicile of parents or guardians. An individual claiming emancipation to establish a domicile in New York State must submit evidence of emancipation and evidence of the establishment of domicile. Evidence of emancipation must include the establishment of financial independence. Factors relevant to the determination of financial independence include, but are not limited to, the following:
  - employment of student on a full- or part-time basis.
  - sources and extent of financial support by parents or guardian.
  - sources and extent of other income.

-3-

- independent filing by student of Federal or State income tax return.
  - parental claim of individual as dependent for exemption on Federal and State income tax return.
  - residence with parents or guardian during summer or other academic term recess.
  - status of student as financially independent for purposes of receipt of Federal and/or State financial assistance.
- Proof of domicile is based upon an intention to make New York State a permanent home and the existence of facts tending to confirm such intention. In cases of discrepancy, a declared intention will yield to a reasonable conclusion drawn from evidence of current conduct. In determining domicile, all surrounding circumstances, in addition to expressed intention, must be considered. Factors relevant to a determination of domicile include:
- residence of parents, spouse and children.
  - place of voter registration.
  - residence for personal income tax purposes.
  - financial independence, business pursuits, employment and income sources.
  - situs of motor vehicle and other personal property registration.
  - situs of real and personal property.

An applicant for New York State resident status for tuition purposes need not prove the existence of all of these indicia to support a domiciliary determination nor is this list exhaustive. Rather, such a determination depends upon a composite appraisal of all of the facts presented in each case.

4. All applications for a change of status from out-of-State to New York State resident will be reviewed by a campus officer designated by the chief administrative officer. Such review may include consideration of the application by a campus review panel prior to final action by the campus chief administrative officer or designee.

April 15, 1983

STATE UNIVERSITY OF NEW YORK  
STANDARD APPLICATION FOR NEW YORK  
STATE RESIDENT STATUS

Instructions -

Please read the attached Guidelines For the Determination of New York State Residency for Tuition Purposes and complete all portions of this application form which pertain to your particular case.

The determination of your in-State or out-of-State status will be based primarily upon the information which you provide. It is your responsibility, therefore, to insure that all of the material which you wish considered be presented adequately when you submit this application.

NAME: \_\_\_\_\_ LOCAL ADDRESS: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_ LENGTH OF TIME AT ADDRESS: \_\_\_\_\_  
(if less than three years, list prior addresses in Section IV)

DATE OF BIRTH: \_\_\_\_\_ CITIZENSHIP: USA \_\_\_\_\_ OTHER \_\_\_\_\_

Country \_\_\_\_\_ Type of Visa \_\_\_\_\_

PERMANENT ADDRESS (if different from local): \_\_\_\_\_

(If you have resided at this address less than three years, list prior addresses in Section IV)

DOES ANYONE CLAIM YOU AS A DEPENDENT FOR TAX PURPOSES: Yes \_\_\_\_\_ No \_\_\_\_\_  
(If Yes, complete Sections I, IV and V. If No, complete Sections II, III, IV and V.)

I. INFORMATION FROM PARENT OR LEGAL GUARDIAN

NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(If less than three years, list prior addresses in Section IV)

CITIZENSHIP \_\_\_\_\_ REGISTERED TO VOTE AT \_\_\_\_\_

EMPLOYED AT \_\_\_\_\_

(IF MILITARY, LEGAL ADDRESS OF RECORD) \_\_\_\_\_

DRIVER'S LICENSE ISSUED BY \_\_\_\_\_ CAR REGISTERED IN \_\_\_\_\_  
State State

STATE INCOME TAX PAID TO \_\_\_\_\_ Most recent year for which  
State tax was paid.

\_\_\_\_\_  
SIGNATURE DATE

II.

THE LAST YEAR FOR WHICH I CLAIMED \_\_\_\_\_  
(Student's Name)

AS A DEPENDENT FOR TAX PURPOSES WAS \_\_\_\_\_

\_\_\_\_\_  
(Must be signed by parent or legal guardian) (Date)

ADDRESS \_\_\_\_\_

III. INFORMATION FROM STUDENT

GRADUATED FROM \_\_\_\_\_  
High School Location Date

LAST SCHOOL ATTENDED \_\_\_\_\_  
Name Location Date

HAVE YOU APPLIED FOR OR RECEIVED A NYS TAP AWARD? YES \_\_\_\_\_ NO \_\_\_\_\_

EMPLOYED AT \_\_\_\_\_  
Dates Hrs. per week

IF MILITARY, LEGAL ADDRESS OF RECORD \_\_\_\_\_

REGISTERED TO VOTE AT \_\_\_\_\_

DRIVER'S LICENSES ISSUED BY \_\_\_\_\_ CAR REGISTERED IN \_\_\_\_\_  
State State

STATE INCOME TAX PAID TO \_\_\_\_\_ Most recent year in which  
State tax was paid

IV. OPTIONAL - ADDITIONAL INFORMATION SUPPORTING CLAIM OF NEW YORK STATE RESIDENCY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. APPLICANT'S AFFIRMATION

The following affirmation statement must be completed and notarized before a Notary Public:

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, the applicant herein, being duly  
(Please print name)  
sworn, do hereby affirm that I am a bona fide legal resident domiciled in the State of New York and that all information provided on this form and any attachments thereto, is accurate, complete and true to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

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COLLEGE USE ONLY: STUDENT IS TO BE CONSIDERED: (RESIDENT)  
(NON-RESIDENT) OF NEW YORK STATE FOR TUITION PURPOSES.

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