



California University of Pennsylvania

Graduate School POLICY: Residency Determination

A. Purpose & Scope

To describe the processes for establishing a student's residency

Students who are domiciled in Pennsylvania are assessed the tuition applicable to Pennsylvania residents, and all other students are assessed the tuition fee applicable to non-residents. The burden of proving domicile, the place where one intends to remain and live permanently or definitely, is on the student. When a student appeals any decision as to a determination of domicile status, great care should be taken by the student to thoroughly present any and all evidence he or she deems relevant to the issue.

B. Definition(s)

Student Domicile - the place where a student intends to reside permanently or indefinitely and does, in fact, so reside

Residency – for tuition purposes, the state in which a student is domiciled

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

C. Policy

1. Residency is established at the time of admission to the graduate school.
2. California University of Pennsylvania graduate students who are domiciled in Pennsylvania at the time of admission are assessed the tuition applicable to Pennsylvania residents, and all other students are assessed the tuition fee applicable to non-residents.
3. The presumptions and forms of evidence considered by California University of Pennsylvania in making the residency determination include the following:
 - a. Continuous residence in Pennsylvania for a period of 12 months prior to registration creates a presumption of domicile. A student is presumed not to be a domiciliary if she/he has resided for a shorter period prior to registration, but may rebut this presumption by clear and convincing evidence.
 - b. 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.
 - c. 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.
 - d. 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.

- e. 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.
4. California University of Pennsylvania may reclassify a student whose residency is established as Pennsylvania in the event there is clear and convincing evidence that the student is no longer a Pennsylvania domiciliary.
5. Students who change their domicile from Pennsylvania to another state shall promptly give notice to California University of Pennsylvania.
6. Students who have been adjudged not to be a resident of Pennsylvania and would like to appeal the decision must petition the Residency Appeals Committee through the office of the Vice-President for Academic Affairs after admission and before registration for the next term. 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.
 - a. Lease or purchase of a permanent, independent residence within Pennsylvania by the student,
 - b. Payment of appropriate state and local taxes (special attention is given to payment of Pennsylvania taxes on income earned during periods of temporary absence from Pennsylvania),
 - c. Transfer of bank accounts, stocks, automobiles, and other registered property to Pennsylvania from another state,
 - d. Procurement of a Pennsylvania driver's license,
 - e. Procurement of a Pennsylvania motor vehicle registration,
 - f. Agreement for permanent, full-time employment in Pennsylvania,
 - g. Membership in social, civic, political, athletic, and religious organizations located in Pennsylvania,
 - h. Registration to vote in Pennsylvania,
 - i. 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.
 - j. A sworn statement from the parents or guardian of a minor setting forth facts to establish the minor's financial independence and separate residence.

Each appeal is 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. Procedure(s)

1. Students who have been adjudged not to be a resident of Pennsylvania and would like to appeal the decision must petition the Residency Appeals Committee through the office of the Vice-President for Academic Affairs after admission and before registration for the next term. 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 (see the previous section for factors considered).
2. When a student's petition is denied, a written statement of the reasons for the decision will be transmitted to the student.
3. Any student who is dissatisfied with the decision made by California University of Pennsylvania may appeal it by sending a written appeal to the Office of the Chancellor of the State System of Higher Education, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

4. Any reclassification (involuntary, voluntary, or based on an appeal) shall be effective the date it is determined that the student became a Pennsylvania domiciliary or non-Pennsylvania domiciliary and may be applied immediately or shall be effective the next semester or term in which the student is taking course work.

E. Effective Date: March 19, 1985
Updated Date:
Amended Date: