

PROPOSED AMENDMENT
TITLE 4, CHAPTER 15, SECTIONS 1-12
Additions in **boldface**; deletions [~~stricken~~ in brackets]

Title 4 - Codification of Board Policy Statements

Chapter 15

REGULATIONS FOR DETERMINING RESIDENCY AND TUITION CHARGES

Section 1. Purpose

These regulations have been enacted to provide uniform rules throughout the University and Community College System of Nevada (the "System"), and all member institutions thereof, for the purpose of determining whether students shall be classified as resident students or nonresident students for tuition charges. (B/R 5/95)

Section 2. Definitions

For the purposes of these regulations, the terms stated below shall have the following meanings:

1. "Alien" means a person who is not a citizen of the United States of America.
2. "Armed Forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard. (B/R 3/04)
3. "Clear and convincing evidence" means evidence that is clear in the sense that it is not ambiguous, equivocal or contradictory and convincing in the sense that it is of such a credible, reliable, authentic and relevant nature as to evoke confidence in the truth of it.
4. "Continuously enrolled" means enrollment within a normal academic year for which continuous enrollment is claimed. A person need not attend summer sessions or other between-semester sessions in order to be continuously enrolled.
5. "Date of matriculation" means the first day of instruction in the semester or term in which enrollment of a student first occurs, except that at the University of Nevada School of Medicine it means the date that a notice of admittance is sent to a student, and at the community colleges it excludes correspondence courses and community service courses which are not state funded. **A person who enrolled in an institution of the University and Community College System of Nevada, but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to**

transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.

[44] **16.** "Returning student" means a student who re-enrolls after a break in enrollment of one or more semesters. A "returning student" retains prior resident status, if any, as long as there is no indication that the student has established residency elsewhere. (B/R 11/96)

[45] **17.** "Student" means a person who is enrolled at an institution of the University and Community College System of Nevada.

[46] **18.** "Tuition" means a monetary charge assessed against nonresident students, which is in addition to registration fees, or other fees assessed against all students. (B/R 5/95)

Section 3. Tuition

1. Tuition shall be charged to nonresident students, except that at the community colleges no tuition shall be charged for registration in community service courses, which are not state funded. (B/R 6/02)
2. Tuition shall not be charged to current enrollees or graduates of a Nevada high school. (B/R 6/02)
3. **Tuition shall not be charged to a professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the University and Community College System of Nevada currently employed at least half time, or the spouse or dependent child of such an employee.**
4. **Tuition shall not be charged to a graduate student enrolled in the University and Community College System of Nevada and employed by the System in support of its instructional or research programs, only during the period of time of such employment.**
5. **Tuition shall not be charged to a member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, family or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders.**
6. **Tuition shall not be charged to a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the**

Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.

- 7. Tuition shall not be charged to members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the State of Nevada.**

Section 4. Resident Students

As supported by clear and convincing evidence, [A]any person to whom one of the following categories applies [is] shall be deemed a resident student for tuition purposes:
(B/R 6/02)

- 1. Except as provided otherwise in this section, a dependent person whose spouse, family, or legal guardian is a bona fide resident of the State of Nevada at the date of matriculation. (B/R 3/04) Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment purposes**
 - a. Evidence of Nevada as the spouse's, parents' or legal guardian's permanent, primary residence at the date of matriculation (examples of evidence include home ownership, a lease agreement, rent receipts, utility bills).**
 - b. The student's birth certificate or proof of legal guardianship. a.**

~~again applies for admission to a System institution.] (B/R 3/04)~~ **Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment:**

- a. **Evidence of six months physical, continuous presence in the State of Nevada prior to the date of matriculation (examples of evidence include a lease agreement, rent receipts, utility bills).**
- b. **The student's tax return for the most recent tax year, indicating a Nevada address. If no federal tax return has been filed by the student because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year that indicates the student was not claimed as a dependent.**
- c. **The student's Nevada driver's license or Nevada identification card issued prior to the date of matriculation.**
- d. **The student's Nevada vehicle registration issued prior to the date of matriculation.**
- e. **The student's Nevada voter registration issued prior to the date of matriculation.**
- f. **Evidence that the student, and/or the person's spouse, has relocated to Nevada for the primary purpose of permanent full-time employment or to establish a business in Nevada (examples of evidence include a letter from the employer or copy of business license).**

~~[3.—A financially independent person who has relocated to Nevada for the primary purpose of permanent full time employment. (B/R 11/96)~~

~~[4.—A financially dependent person whose family or legal guardian~~6.5(.)0.4()]TJ/TT8 1 Tf-3 -1.15 TD96)

3. He/She returns to the state of Nevada within one year of leaving the Armed Forces.

It will be necessary for the student to supply documentation in support of each of these conditions (e.g., drivers license, property ownership, evidence of absentee voting, etc.)

(B/R 1/02)

- [6] 4. Licensed educational personnel employed full-time by a public school district in the State of Nevada, or the spouse or dependent child of such an employee. (B/R 11/96)

- [7] 5. A teacher who is currently employed full-time by a private elementary, secondary or postsecondary educational institution whose curricula meet the requirements of NRS 394.130, or the spouse or dependent child of such an employee. (B/R 11/96)

- ~~[8. A professional employee, classified, postdoctoral fellow, resident physician, or resident dentist of the University and Community College System of Nevada currently employed at least half time, or the spouse or dependent child of such an employee. (B/R 12/03)]~~

- ~~[9. A graduate student enrolled in the University~~

Section 5. Admission to Medical School

An applicant for admission to the University of Nevada School of Medicine who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School (November 1 of each year) shall be classified as a resident of Nevada for the purposes of being considered for admission to the University of Nevada School of Medicine. (B/R 5/95)

Section 6. Admission to William S. Boyd School of Law

An applicant for admission to the William S. Boyd School of Law at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School shall be classified as a resident of Nevada for the purposes of being considered for admission to the William S. Boyd School of Law at UNLV. (B/R 9/97)

Section 7. Admission to UNLV School of Dentistry

An applicant for admission to the School of Dentistry at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day of filing an application for admission to the School (March 1st of each year) shall be classified as a resident of Nevada for the purpose of being considered for admission to the School of Dentistry at UNLV. (B/R 8/01)

Section 8. Reclassification of Nonresident Status

There is a rebuttable presumption that a nonresident attending an institution of the University and Community College System of Nevada is in the State of Nevada for the primary or sole purpose of obtaining an education. Therefore, a nonresident who enrolls in an institution of the System shall continue to be classified as a nonresident student throughout the student's enrollment, unless and until the student demonstrates that his or her previous residence has been abandoned and that the student is a Nevada resident. ~~[To be reclassified from nonresident to resident student status, a student must meet the following conditions:]~~ **Each student seeking reclassification from nonresident to resident student status must satisfy the following four conditions:**

1. **Application and Written Declaration.**

[A] **The student must apply in writing** to the appropriate Records Office of the institution for reclassification to resident student status. ~~[, and as part of the application the student must file]~~ **The application must include** a written declaration of intent to relinquish residence in any other state and ~~[also certifying]~~ **to certify** to the establishment of **bona fide** residence in Nevada. A form declaration is attached to these regulations. The filing of a false declaration will result in the payment of nonresident tuition for the period of time the student was enrolled as a resident student and may also lead to disciplinary sanctions under Chapter Six of the University and Community College System of Nevada Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion.

2. **Bona fide Residence in Nevada.**

[A] **The student, or the parents or legal guardian of the student, must document continuous physical presence as ~~must be~~ a Nevada resident for at least twelve (12) months immediately prior to the date of the application for reclassification. No fewer than four of the following pieces of objective evidence must be submitted with the application for reclassification:**

- a. Ownership of a home in Nevada.
- b. Lease of living quarters in Nevada.
- c. Mortgage or rent receipts and utility receipts for the home or leased quarters.
- c. Nevada driver's license or Nevada identification card issued twelve (12) months prior to the date of application.
- d. Nevada vehicle registration issued twelve (12) months prior to the date of application.
- e. Nevada voter registration issued twelve (12) months prior to the date of application.

3. **Financial Independence.**

[A] **The student must ~~be financially independent~~ provide evidence of financial independence.** A dependent person whose family or legal guardian is a nonresident ~~cannot apply~~ **is not eligible** for reclassification to resident student status. **The following piece of objective evidence must be submitted with the application for reclassification:**

- a. **A true and correct copy of the student's federal income tax return for the most recent tax year showing a Nevada address. If no federal tax return has been filed because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income must be submitted. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year must be submitted that indicates the student was not claimed as a dependent.**

4. **Intent to Remain in Nevada.**

- [d] **c.** Admission to a licensed practicing profession in Nevada;
- [e] **d.** Registration or payment of taxes or fees on a **home, vehicle,** [~~motor vehicle,~~] mobile home, travel trailer, boat or any other item of personal property owned or used

~~SUFFICIENCY IT DESERVES, AFTER TAKING ALL AVAILABLE EVIDENCE INTO CONSIDERATION.~~

5. **The presentation by a person of one or more items of evidence as indicia of residence is not conclusive on the issue of residency. Determinations of residence shall be made on a case-by-case basis and the evidence presented shall be given the weight and sufficiency it deserves, after taking all available evidence into consideration.**

~~[5. A student's reliance on non-Nevada sources for financial support constitutes an inference of residence in another state.]~~

6. Because residence in a neighboring state other than Nevada is a continuing qualification for enrollment in ~~[an institution of the University and Community College System of Nevada under]~~ the Good Neighbor, Children of Alumni or WICHE Western Undergraduate Exchange ~~[Policies]~~ **Programs at a UCCSN institution**, a student who was initially enrolled in a System institution under any of ~~[those policies]~~ **these discounted tuition programs** shall not **normally** be reclassified as a resident student **following matriculation** ~~[unless the student has been subsequently enrolled as a non-Good Neighbor, non-Children of Alumni or non-WICHE Western Undergraduate Exchange Policy nonresident student for at least twelve (12) months immediately prior to the date of the application for reclassification to resident student status].~~ **A nonresident student who subsequently disenrolls from the Good Neighbor, Children of Alumni or WICHE Western Undergraduate Exchange Programs and pays full nonresident tuition for at least twelve (12) months may apply for reclassification to resident student status. An application for reclassification may also be submitted under the provisions of this section if the material facts of a student's residency, or the parent's or legal guardian's residency, have substantially changed following matriculation.**

7. When a student has been reclassified to resident student status ~~100.he G32 0.911.U9te~~ ~~[(the appl8cation f T~~

~~if no federal tax return has been filed because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted;~~

- ~~— e. A true and correct copy of the person's federal W2 Form filed for the calendar year immediately prior to the year in which application for reclassification is made;~~
 - ~~— d. When deemed necessary for verification of financial independence, a true and correct copy of that portion of the federal income tax return of the person's family or legal guardian which lists dependents for the calendar year immediately prior to the year in which application for reclassification is made;~~
 - ~~— e. Other documented financial resources, including but not limited to the sale of personal or real property, inheritance, trust fund, state or financial assistance, gifts, loans or statement of earnings of the spouse of a married student.~~
- ~~2. To aid a System institution in determining whether a student is a dependent person and whether a dependent's family or legal guardian has been a resident of the State of Nevada for at least twelve (12) months immediately prior to date of matriculation, a person seeking enrollment as a resident student may be required to submit documentation of the following:~~
- ~~— a. Established residence of the person's family or legal guardian;~~

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b. The appellate board shall consider the evidence in accordance with the standards and

Declaration of Intent of Residency

I hereby declare that I have abandoned any domicile or residence in any state or commonwealth of the United States of America other than the State of Nevada and I further certify that I have established a bona fide domicile or residence in the State of Nevada with the intent of making Nevada my true, fixed and permanent home and place of habitation, having clearly abandoned my former domicile or residence and having no intent to make any other location outside the State of Nevada my home and habitation.

I further certify that I have been domiciled or a resident in the State of Nevada for at least twelve (12) months immediately prior to the date of my application for reclassification to resident student status and that, therefore, I have been physically present and residing in Nevada for that entire period of time, excluding temporary, short-term absences for business or pleasure.

Dated this _____ day of _____, [19] 20__.

Signature

Type or print name

NOTICE

Filing a false Declaration of Intent of Residency will result in the payment of nonresident tuition for the period of time a student was enrolled as a resident student and may also lead to disciplinary sanctions under Chapter Six of the University and Community College System of Nevada Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion.

(B/R 5/95)