

BOARD OF REGENTS

BRIEFING PAPER

Handbook Revision, Residency Determinations for Graduate Fellows

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under existing Board policy, certain categories of students are deemed residents for tuition purposes and therefore are not charged non-resident tuition, including but not limited to Nevada high school graduates and certain graduate students, etc. Prior to 1996 the list outlined in Board policy authorizing certain categories of students to be exempt from non-resident tuition included graduate fellows. Based on a review of revisions to that section of Board policy, it appears that the provision was inadvertently deleted by a revision to that section adopted the same year. This omission was recently discovered by the members of the Research Affairs Council who recommend reinstatement of graduate fellows in the provision of Board policy granting exemption from non-resident tuition as was added in 1996. A Graduate Fellow receives a scholarship award from programs like the National Science Foundation or one of Nevada's EPSCoR Programs.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

POLICY PROPOSAL
TITLE 4, CHAPTER 5, SECTION 1
Graduate Fellows

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

AMEND CHAPTER 5 TITLE AS FOLLOWS:

Chapter 5
GRADUATE ASSISTANTS [~~OR FELLOWS~~]

AMEND SECTION 1 AS FOLLOWS:

Section 1. Definitions

[~~1.~~

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 2

Definitions – Graduate Fellows

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

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.
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 that are not state funded. A person who enrolled in an institution of the Nevada System of Higher Education but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to have matriculated and any determination concerning residency status shall be voided until such time as the person again enrolls at a System institution.
6. "Dependent" means a person who is not financially independent and is claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person for the most recent tax year.
7. "Family" means the natural or legally adoptive parent or parents of a dependent person, or if one parent has legal custody of a dependent person, that parent.
8. "Financially independent" means a person who has not been and will not be claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person, except his or her spouse, for the most recent tax year.
9. "*Graduate Fellow*" means a graduate student receiving a stipend that is treated as a scholarship with no specific duties required for the award.
10. "Most recent tax year" means the income tax return submitted for the prior income year.

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 3
Tuition

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 3. Tuition

1. Tuition shall [never

[9]10. 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.