

**MORGAN STATE UNIVERSITY
POLICY ON STUDENT RESIDENCY CLASSIFICATION FOR ADMISSION,
TUITION AND CHARGE-DIFFERENTIAL PURPOSES**

I. POLICY

It is the policy of the Board of Regents of Morgan State University to recognize the categories of In-State and Out-of-State students for the purpose of admission, tuition, and charge differentials.

- A. An In-State student is a student who by clear and convincing evidence demonstrates to the University that he or she is a permanent resident of the State of Maryland. For the purposes of this Policy, "permanent resident" is defined as a person who satisfies all the following conditions:
1. Is not residing in the State of Maryland primarily to attend an institution of post-secondary education.
 2. Owns or rents and occupies living quarters in Maryland and has done so for at least twelve (12) consecutive months immediately prior to and including the last date available for late registration for the forthcoming semester or session and must have continuously resided in Maryland during that period. There must exist a genuine deed or lease in the individual's name reflecting payments/rents and terms typical of those in the community at the time executed. Persons not having such a lease may submit an affidavit reflecting payments/rents and terms as well as the name and address of the person to whom payments are made which may be considered as meeting this condition. As an alternative to ownership or rental of living quarters in Maryland, a student may share living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian, or spouse; and,
 3. Maintains within Maryland substantially all personal property; and,
 4. Pays Maryland income tax on all earned taxable income including all taxable income earned outside the State; and,
 5. Registers all owned motor vehicles in Maryland in accordance with Maryland law; and,
 6. Possesses a valid Maryland driver's license, if licensed, in accordance with Maryland law; and

7. Is registered in Maryland, if registered to vote; and,
8. Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland; and,
9. Has a legal ability under federal and Maryland law to live permanently without interruption in Maryland.

B. In addition, persons with the following status shall be accorded the benefits of In-State Status for the period in which they hold such status:

1. A full-time or part-time (at least 50 percent time) regular employee of the University.
2. The spouse or dependent child of a full-time or part-time (at least 50 percent time) regular employee of the University.
3. A full-time active member of the Armed Forces of the United State whose home or residency is Maryland or one who resides or is stationed in Maryland, or the spouse or a financially dependent child of such a person.
4. A civilian employee of the Armed Forces of the United States whose position has been transferred to Maryland from another State as the result of a decision of the Base Realignment and Closure Commission (BRAC), or the spouse or financially dependant child of such person, provided that:

_____ a. The employee remains continually employed by a branch of the U.S. Armed Forces, and

_____ b. The employee provides the following documentation:

- i. Proof of the BRAC-related transfer from the Department of Defense or the employee's military unit, such as a copy of the DD Form 1614, and
- ii. Proof of Maryland residence.

_____ The benefits provided under this Section 4 shall expire on December 12, 2011.

5. Employees of defense contractors whose positions are transferred from other states to Maryland as a result of the decision of the

BRAC or the spouse or financially dependent child of such person, provided that:

- a. The employee remains continually employed by the defense contractor, and
 - b. The employee provides the following documentation:
 - i. Proof from the defense contractor employer of the BRAC-related transfer, and
 - ii. Proof of Maryland residence.
6. A graduate assistant.
7. A public school teacher employed by a county, which includes Baltimore City, board, provided that:
- a. The teacher is enrolled in a qualified course of study;
 - i. The course or program is required by the State or a county, which includes Baltimore City, board to maintain the teacher's present position with the county board, or
 - ii. The course or program maintains or improves skills required by a county, which includes Baltimore City, board in the teacher's current position;
 - b. The teacher resides in the State of Maryland and is employed as a full-time public school teacher; and
 - c. The teacher has been employed as a public school teacher in the state for less than a year.
- C. Students not entitled to In-State Status under the preceding paragraphs shall be assigned Out-of-State Status for admission, tuition, and charge-differential purposes.
- D. Assignment of In-State or Out-of-State classification will be made by the University upon an assessment of the totality of facts known or presented to it. The following circumstances raise a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an institution of post-secondary education:

1. The student was attending high school or residing outside Maryland at the time of application for admission to the University.
2. The student is not financially independent and is financially dependent upon a person not a permanent resident of Maryland.

The burden shall be on the student to rebut these presumptions by clear and convincing evidence.

II PROCEDURES

- A. An initial determination of In-State Status will be made by the University at the time a student's application for admission is under consideration. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.
- B. A change in status must be requested by submitting an "Application for Change in Classification for Admission, Tuition and Charge Differential". A student applying for a change to In-State Status must furnish all required documentation with the Petition by the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the institution in writing within fifteen (15) days of any change in circumstances which may alter In-State Status.
- D. In the event incomplete, false, or misleading information is presented, the institution may, at its discretion, revoke in-state status and take disciplinary actions provided for by the institution's policy. If In-State Status is gained due to false or misleading information, the University reserves the right to retroactively assess all Out-of-State charges for each semester/term affected.
- E. The President shall develop and publish additional procedures to implement this policy. Procedures shall provide that on request the President or designee has the authority to waive any residency criterion set forth in Section I. if it is determined that the student is indeed a permanent resident and the application of the criteria creates an unjust result.

III DEFINITIONS

- A. Financially Dependent: For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes

or who receives more than one-half of his or her support from another person during the twelve (12) month period immediately prior to the last published date for registration for the semester or session. If a student receives more than one-half of his or her support in the aggregate from more than one person, the student shall be considered financially dependent on the person providing the greater amount of support.

- B. Financially Independent: A financially independent student is one who (1) declares himself or herself to be financially independent as defined herein; (2) does not appear as a dependent on the Federal or State income tax return of any other person; (3) receives less than one-half of his or her support from any other person or persons; and (4) demonstrates that he or she provides through self-generated support one-half or more of his or her total expenses.
- C. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- D. Guardian: a guardian is a person so appointed by a court order recognized under the law of the State of Maryland.
- E. Spouse: A spouse is a partner in a legally contracted marriage.
- F. Self-Generated: Self-generated describes income which is derived solely from compensation for an individual's own efforts as evidenced, for example, by federal or state W-2 forms or IRS form 1099 where interest income is based upon finances created from one's own efforts. For the purposes of this policy, grants, stipends, awards, benefits, loans and gifts (including federal and State aid, grants, and loans) may not be used as self-generated income.
- G. Regular Employee: A regular employee is a person employed by the University who is assigned to a State budget line. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.
- H. Living Quarters: Living Quarters does not include:
 - 1. Residential facilities owned and managed by the University; and,
 - 2. Privately-owned residential facilities leased by the University for use by the University students; and,
 - 3. Residential facilities privately constructed, owned, and managed and located on University property.

