

**Policy Number:** 02-10-010

**Policy Title:** STUDENT RESIDENCY

**Effective Date:** May 9, 2017

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1. **Policy Statement**

For purposes of tuition assessment, all students seeking to enroll in OHSU academic programs shall be classified as either an Oregon resident or a non-resident by a duly authorized admissions officer or the OHSU Residency Officer. OHSU is not bound by any determination of residency for tuition purposes except by duly authorized officials established under this policy. In determining resident or non-resident classification for tuition purposes, the primary issue is one of intent. Intent is inferred from a person's conduct and history as they relate to the requirements of these residency policies. If a person comes to Oregon primarily for the purpose of obtaining an education, that person will be considered a non-resident for tuition purposes (except as otherwise required by law). Therefore, it may be possible for an individual to qualify as a resident of Oregon for purposes of voting or obtaining an Oregon driver's license and not meet the OHSU Oregon residency requirements for tuition purposes established by these policies.

2. **Residency Classification Definitions**

For the purposes of this policy, the following words and phrases mean:

- A. **"Domicile"**: A person's true, fixed, and permanent home and physical place of habitation. It is the place where a person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.
- B. **"Financially Independent Person"**: A person who, at the time of application for residency status:
  - 1) Declares oneself to be financially independent;
  - 2) Has not been claimed as a dependent during the immediately preceding tax year, and will not be claimed as a dependent during the current tax year, on the federal or state income tax returns of any other person; and
  - 3) Has not received in the immediately preceding calendar year, and will not receive during the current calendar year, one-half or more of their support, in cash or in kind, from another person or persons, except for support received from their spouse.
- C. **"Financially Dependent Person"**: A person who, at the time of application for residency status:

- 1) Declares oneself to be financially dependent; and
  - 2) Has been claimed as a dependent on the federal and state income tax returns of another person during the immediately preceding tax year.
- D. **“Covered Individual”**: A person who meets the eligibility requirements under Section 702 of the Veterans Access, Choice and Accountability Act of 2014.
- E. **“Member of the Armed Forces”**: Officers and enlisted personnel of:
- 1) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;
  - 2) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;
  - 3) The National Guard of the United States and the Oregon National Guard.
- F. **“Dependent children of Members of the Armed Forces”** includes any child who:
- 1) Is under 18 years of age and not married, otherwise emancipated, or self-supporting; or
  - 2) Is under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher education, and dependent on the member for over one-half of their support.
3. **Residency Classification Criteria for Tuition Purposes**
- A. An Oregon resident is a financially independent person, or a financially dependent person of another person, who, for the 12 consecutive months immediately prior to commencing enrollment in an OHSU academic program (or for the 12 consecutive months immediately prior to the term for which a residency re-classification is sought):
- 1) Has established and maintained a domicile in Oregon; and
  - 2) Has not enrolled for more than eight credit hours per term as a college student.
    - a) Except as provided in section 5.A., a person who has enrolled for more than eight credit hours per term during any of the 12 consecutive months shall be presumed to be in Oregon for primarily educational purposes, and therefore classified as non-resident for tuition purposes unless the person proves, in fact, establishment of a bona fide domicile in Oregon primarily for purposes other than educational;
- B. An Oregon resident is also a person that qualifies as a Covered Individual under Section 702 of the Veterans Access, Choice and Accountability Act of 2014. A Covered Individual is an individual who meets one or more of the following criteria:

- 1) Is a Veteran who lives in Oregon (regardless of their formal state of residence) and enrolls at OHSU within three years of discharge or release from a period of active duty service of 90 days or more; or
  - 2) Is a spouse or child using transferred benefits who lives in Oregon (regardless of their formal state of residence) and enrolls at OHSU within three years of the transferor's discharge or release from a period of active duty service of 90 days or more; or
  - 3) Is a spouse or child using transferred benefits who lives in Oregon (regardless of their formal state of residence) and enrolls at OHSU and the transferor is a member of the uniformed service who is serving on active duty; or
  - 4) Is a spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who lives in Oregon (regardless of their formal state of residence) and enrolls at OHSU.
- C. An Oregon resident is also a Veteran who meets the following criteria:
- 1) Prior to commencing enrollment in an OHSU academic program was relieved or discharged from service with either an honorable discharge or general discharge under honorable conditions; and
  - 2) Has established a domicile in Oregon prior to commencing enrollment in an OHSU academic program; and
  - 3) Has been formally admitted into an OHSU academic program for an academic year starting on or after 2014-15.
- D. An Oregon resident is also a Member of the Armed Forces, their spouse and dependent children who meet the following criteria:
- 1) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state; or
  - 2) Reside in this state while serving as members of the crew of a ship that has an Oregon port of shore establishment as its home port or permanent station; or
  - 3) Reside in a foreign country and file an Oregon state income tax return no later than 12 months before leaving active duty.
- E. An Oregon resident is also a person who is not a citizen or lawful permanent resident of the United States who meets the following criteria:
- 1) The person meets the requirements for Oregon Residency as defined in Section 3.A. of this policy; and
    - a) The person is an immigrant granted documented refugee or political asylum in the United States; or

- b) The person holds one of the following non-immigrant visa classifications: A, E, G, H-1B, H-1C, the spouse or child of a person holding an H-1B or H-1C visa, I, K, L, NATO, O, R, S, T, TN, U or V. A person possessing a non-immigrant or temporary visa that is not identified under this policy shall not be considered an Oregon resident; or
  - c) The person has been formally admitted into an academic program at OHSU for an academic year starting on or after 2014-15 and shows intention to become a citizen or a lawful permanent resident of the United States by submitting to OHSU:
    - 1. An official copy of the person's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the person will seek to obtain citizenship as permitted under federal law; and
    - 2. An affidavit stating that the person has applied for a federal individual taxpayer identification number or other federal identification document.
- F. An Oregon resident is also a member of a federally recognized tribe of Oregon or an enrolled member of a Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon.

The federally recognized tribes of Oregon are:

- 1) Burns Paiute Tribe;
- 2) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;
- 3) Confederated Tribes of Grand Ronde Community of Oregon;
- 4) Confederated Tribes of Siletz Indians of Oregon;
- 5) Confederated Tribes of the Umatilla Indian Reservation;
- 6) Confederated Tribes of the Warm Springs Indian Reservation;
- 7) Coquille Indian Tribe;
- 8) Cow Creek Band of Umpqua Indians;
- 9) Klamath Tribes.

The Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:

- 1) California:
  - a) Benton Paiute Tribe;
  - b) Big Bend Rancheria;
  - c) Big Lagoon Rancheria;
  - d) Blue Lake Rancheria;
  - e) Bridgeport Indian Colony;

- f) Cedarville Rancheria;
  - g) Fort Bidwell Indian Tribe;
  - h) Hoopa Valley Tribe;
  - i) Karuk Tribe of California;
  - j) Likely Rancheria;
  - k) Lookout Rancheria;
  - l) Lytton Rancheria;
  - m) Melochundum Band of Tolowa Indians;
  - n) Montgomery Creek Rancheria;
  - o) Pit River Tribe;
  - p) Quartz Valley Indian Community;
  - q) Redding Rancheria;
  - r) Roaring Creek Rancheria;
  - s) Smith River Rancheria;
  - t) Susanville Rancheria;
  - u) Tolowa-Tututni Tribe;
  - v) Winnemucca Colony;
  - w) XL Ranch;
  - x) Yurok Tribe.
- 2) Idaho:
- a) Nez Perce Tribe of Idaho;
  - b) Shoshoni-Bannock Tribes.
- 3) Nevada:
- a) Duck Valley Shoshone-Paiute Tribes;
  - b) Fallon Paiute-Shoshone Tribe;
  - c) Fort McDermitt Paiute-Shoshone Tribe;
  - d) Lovelock Paiute Tribe;
  - e) Pyramid Lake Paiute Tribe;
  - f) Reno-Sparks Indian Colony;
  - g) Summit Lake Paiute Tribe;
  - h) Walker River Paiute Tribe;
  - i) Winnemucca Indian Colony;
  - j) Yerington Paiute Tribe.
- 4) Oklahoma: Modoc Tribe of Oklahoma.
- 5) Washington:
- a) Chehalis Community Council;
  - b) Colville Confederated Tribes;
  - c) Quinault Indian Nation;
  - d) Shoalwater Bay Tribe;
  - e) Yakama Indian Nation.

**4. Residency Consideration Factors**

- A. The following factors, although not necessarily conclusive or exclusive, have probative value in support of a claim for Oregon residency classification under 3.A. of this policy:
  - 1) Be primarily engaged in activities other than those of a college student and reside in Oregon for 12 consecutive months immediately prior to beginning enrollment in an OHSU academic program or immediately prior to the beginning of the term for which a residency re-classification is sought;
  - 2) Reliance upon Oregon resources for financial support;
  - 3) Domicile in Oregon of persons legally responsible for the student;
  - 4) Acceptance of an offer of permanent employment in Oregon; and
  - 5) Ownership by the person of a permanent living quarters in Oregon.
  
- B. The following factors, standing alone, do not constitute sufficient evidence to effect classification as an Oregon resident for tuition purposes:
  - 1) Voting or registration to vote;
  - 2) Employment in any position normally filled by a student;
  - 3) The lease of living quarters;
  - 4) Admission to a licensed practicing profession in Oregon;
  - 5) Automobile registration;
  - 6) Public records, for example, birth and marriage records, Oregon driver's license;
  - 7) Continuous presence in Oregon during periods when not enrolled in school;
  - 8) Ownership of property in Oregon, or the payment of Oregon income or other Oregon taxes; or
  - 9) Domicile in Oregon of the student's spouse.
  
- C. Reliance upon non-Oregon resources for financial support is an inference of residency in another state. Similarly, indicating a state, other than Oregon, by an applicant on a national admissions application form is probative value of residency in another state.

**5. Maintenance of or Changes to Oregon Residency**

- A. A person who has previously established and maintained a domicile in Oregon for at least 12 consecutive months during which time the person was not enrolled for more than eight credit hours as a college student, is not subject to the requirement of section 3.A.2.a. as long as the person has not physically resided in another state

for more than 12 consecutive months since establishing and maintaining a domicile in Oregon.

- B. Once established, classification as an Oregon resident continues so long as the student remains in continuous academic year enrollment at OHSU (other than during regularly scheduled breaks between courses or terms).
- C. Persons meeting Oregon resident classification under section 3.B. who initially meet the requirements will maintain Covered Individual status as long as they remain continuously enrolled at OHSU (other than during regularly scheduled breaks between courses or terms).
- D. An Oregon resident entering the armed forces retains Oregon residence classification until it is voluntarily relinquished.
- E. An Oregon resident entering into the Peace Corps or Americorps (or similar national service program), will retain Oregon resident classification as long as the person returns to Oregon (for the purpose of maintaining a domicile in Oregon) within 12 months of leaving the service organization.
- F. An Oregon resident who leaves Oregon for continuous enrollment (other than during regularly scheduled breaks between courses or terms) at an institution outside of Oregon will retain Oregon resident classification as long as the person returns to Oregon (for the purpose of maintaining a domicile in Oregon) within 12 months of ceasing enrollment at that institution.
- G. An Oregon resident who leaves Oregon for enrollment at an institution outside of Oregon and later seeks to enroll at OHSU and does not meet the requirements under section 5.F. will have their residency classification examined and determined according to section 3 of this policy.
- H. The criteria for determining Oregon residency classification shall also be used to determine whether a person who has moved from Oregon has established a non-Oregon residence.

**6. Student Rights and Responsibilities**

- A. Persons meeting Oregon resident classifications may need to self-identify by notifying the Registrar's Office no later than the first day of the academic term for which Oregon resident classification criteria are met. Once the eligible person provides notification and documentation to the Registrar's Office, tuition will be assessed at the resident rate for subsequent terms.
- B. A person who is aggrieved by a residency classification determined by a duly authorized admissions officer may complete and submit a notarized Residence

Information Affidavit to the OHSU Residency Officer, designated by the Provost, who will review the documentation and render a residency classification. The affidavit and all required supportive documents and materials must be submitted by the first day of the term in which Oregon resident status is sought.

- C. A person who is aggrieved by a residency classification decision of the OHSU Residency Officer may, within 10 business days of the date of receipt of the classification decision letter from the OHSU Residency Officer, appeal the classification in writing to the OHSU Residency Committee (ORC). An aggrieved person may supply written statements to the ORC for its consideration in reviewing the case and may also make an oral presentation to the ORC. The ORC shall review the matter and notify the student in writing of a final decision within 10 business days from the date of the ORC meeting. The decision of the ORC shall be final unless appealed to the Provost.
- D. A person who is aggrieved by a residency classification of the ORC may, within 10 business days of the date of receipt of the classification decision letter from the ORC, appeal the ORC decision to the Provost. An appeal to the Provost shall be in writing only and may not be based on information not previously presented to the ORC. The provost shall review the matter and notify the student in writing of a final decision within 30 calendar days. The Provost's decision shall be final.

**7. OHSU Residency Committee Responsibilities**

- A. An OHSU Residency Committee is established consisting of individuals knowledgeable about this OHSU Student Residency policy and appointed by the Provost. The purpose of the ORC is to review residency classification decisions made by the OHSU Residency Officer and render a residency decision. A majority of the members of the ORC shall constitute a quorum. A majority of a quorum shall make decisions.
- B. Residency cases of unusual complexity, especially where there may be conflict of policies, may be deferred by a duly authorized admissions officer directly to the OHSU Residency Officer for decision. Residency cases of unusual complexity may also be deferred by the OHSU Residency Officer directly to the ORC for decision.

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**Revision History: October 25, 1996; December 5, 2002; September 17, 2003; June 9, 2004; May 21, 2015**

**Supersedes Policy Number: 02-10-015; 02-10-020; 02-10-025; 02-10-030; 02-10-035; 02-10-037; 02-10-040; 02-10-045; 02-10-050; 02-10-055**

**Related Regulations: Title 38 USC § 30; Title 38 USC § 33; Title 38 USC § 3311; Title 38 USC § 3319; Title 38 USC § 3679;**

**Responsible Office: OHSU Residency Officer; Provost**