



Policy Number: V.04
Policy Level: Operating Policy
Originally Issued: February 18, 2019
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Policy Owner: Provost/Vice President for Academic Affairs and Student Services
Policy Implementation: Director of Admissions, Registrar

Establishing Residency for Tuition Purposes

I. Policy Statement and Purpose

In accordance with *Title 16, Chapter 64 of the Code of Alabama*, and Athens State University's educational mission, this policy establishes the definitions and standards used for determining residency for tuition purposes for students enrolled at the University.

Resident ("in-state") or nonresident ("out-of-state") classification is determined for purposes of tuition and fees by the University's Office of the Registrar at the time of initial admission to Athens State University, with the burden of proof for the classification on the applicant seeking admission to the University.

Students may submit an *Application for Reclassification* of their resident classification according to the process and deadlines as described below. Though certification of an address and intent to remain in the state indefinitely are prerequisites to establishing one's status as a resident, ultimate determination of that status shall be made by the University in an evaluation of the presence or absence of connections with the State of Alabama per the Code of Alabama. The burden of proof for a change in classification is on the individual seeking reclassification.

In order to establish residency in Alabama for purposes of tuition and fees, an individual must have the legal ability to establish a permanent domicile in the United States, meaning that the individual must be a citizen or permanent resident of the United States or hold a valid, qualifying non-immigrant visa as indicated in the International section of the policy.

II. Definitions

- **Dependent Student:** An individual is presumed to be a dependent of a supporting person(s) if he or she cannot prove financial self-sufficiency for at least the last year. All students under the age of 24 are presumed to be dependent students unless proven otherwise through appropriate documentation.
- **Independent Student:** An individual who is not claimed as a dependent by any supporting person(s) for the tax year immediately preceding the request for resident classification and is able to demonstrate financial self-sufficiency for at least the last year. Students who are minors as defined by Alabama state law are not eligible to be considered independent students for the purposes of this policy.



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- **Minor:** An individual who, because of age, lacks the capacity to contract under Alabama law. Under current law, this means a single individual under nineteen (19) and a married individual under eighteen (18), but excludes an individual whose disabilities of non-age have been removed by a court of competent jurisdiction for a reason other than establishing a legal residence in Alabama.
- **Residence:** The single location at which a person resides with the intention of remaining in that location indefinitely (*i.e.*, making a permanent home) and as evidenced by more substantial connections with that place than with any other place. In reference to this policy, the pursuit of an education is considered a special or temporary purpose that will not be sufficient to support an intention to remain at a location indefinitely. Furthermore, intention cannot be anecdotal or emotional in nature. Intention must be demonstrated clearly with the appropriate supporting documentation.
- **Supporting person:** Either or both of the parents of the student (if they are living together) or if they are divorced or living separate, then either the parent having legal custody or, if different, the parent providing the greater amount of financial support. Recent income tax returns and divorce decree may need to be provided. If both parents are deceased or if neither has legal custody, then supporting person shall mean in the following order: the legal custodian of the student, the guardian, and the conservator of the student.
- **Veteran:** A person who engaged in active duty (including basic training) in the U.S. armed forces (Army, Navy, Air Force, Marines, or Coast Guard), and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.
- **Member of the Armed Forces:** A person who is on active duty in the U.S. armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard).

III. Requirements for Classification as a Resident Student

A resident (in-state) student for tuition purposes is one who, at the time of admission to the University:

- Is not a minor and can certify a specific address or location in the State of Alabama (or in Bedford, Franklin, Giles, Lawrence, Lincoln, Marshall, Maury, Moore, or Wayne county in Southern Tennessee) as his or her primary established residence for a period of at least one year immediately preceding the first day of classes for the academic term of admission; or
- Is not a minor and is a regular, full-time employee (not temporary, full-time) of Athens State University, or is the spouse of such an employee, as verified by the Office of Human Resources prior to the first day of classes of the academic term of admission; or



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- Is not a minor and can verify full-time, permanent employment within the State of Alabama or is the spouse of such an employee, and that this employment started before the first day of classes for the academic term of admission; or
- Is a Veteran or member of the United States Armed Forces, or the spouse of a member of the United States Armed Forces, and meets at least one of the qualification criteria outlined in Section IV of this policy.

If the student is a minor or dependent student, then his or her supporting person(s) must meet one of the above criteria.

Additionally, the ultimate determination of residency status shall be made by the University by its evaluation of the presence or absence of connections with the State of Alabama (or in Bedford, Franklin, Giles, Lawrence, Lincoln, Marshall, Maury, Moore, or Wayne County in Southern Tennessee, if applicable per above). Per the *Code of Alabama*, this evaluation will include consideration of:

- The location of high school graduation.
- Payment of Alabama state income taxes as a resident.
- Ownership of a residence or other real property in the state and payment of state ad valorem taxes on the residence or property.
- Full-time employment in the state.
- Residence in the state of a spouse, parents, or children.
- Previous periods of residency in the state continuing for one year or more.
- Voter registration and voting in the state; more significantly, continuing voter registration in the state that initially occurred at least one year prior to the initial registration of the student in Alabama at a public institution of higher education.
- Possession of state or local licenses to do business or practice a profession in the state.
- Ownership of personal property in the state, payment of state taxes on the property, and possession of state license plates.
- Continuous physical presence in the state for a purpose other than attending school, except for temporary absences for travel, military service, and temporary employment.
- Membership in religious, professional, business, civic, or social organizations in the state.
- Maintenance in the state of checking and savings accounts, safe deposit boxes, or investment accounts.
- In-state address shown on selective service registration, driver's license, automobile title registration, hunting and fishing licenses, insurance policies, stock and bond registrations, last will and testament, annuities, or retirement plans.



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IV. Veterans and Members of the United States Armed Forces

In lieu of the criteria in Section III above, a resident (in-state) student for tuition purposes is also one who, at the time of admission to the university:

- Is a member, the spouse of a member, or a minor whose supporting person is a member of the United States Armed Forces on full-time active duty stationed in Alabama; or
- Has been a member of the Alabama National Guard for a period of at least 2 years immediately preceding the first day of classes for the academic term of admission, and continues to be a member of the Alabama National Guard while enrolled at Athens State University; or
- Is a veteran of the Armed Forces of the United States, provided that the veteran has become a resident of Alabama (as evidenced by documentation of a physical address in Alabama while enrolled) and satisfies at least one of the following conditions:
 - The veteran has served on active duty for a continuous period of time, not less than two years, and has received an honorable discharge as verified by a United States Department of Defense Form 214 within five years of enrolling at Athens State University; or
 - The veteran is currently serving in a reserve component of the United States Armed Forces, as verified by a memorandum from the commanding officer of the veteran student; or
 - The veteran has been assigned a service-connected disability by the United States Department of Veterans Affairs; or
- Is a veteran using educational assistance under either chapter 30 (Montgomery G.I. Bill – Active Duty Program) or chapter 33 (Post-9/11 G.I. Bill), of title 38, United States Code, who lives in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence) and enrolls in the school after a period of active duty service of 90 days or more, as well as
 - such person while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code; or
- Is anyone using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) who lives in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence) and enrolls in the school after a period of active duty service of 90 days or more, as well as
 - such person while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so



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described must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code; or

- Is anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)) who lives in Alabama while attending a school located in Alabama (regardless of his/her formal State of residence); or
- Is anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in Alabama while attending a school located in Alabama (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty; or
- Effective for courses and terms beginning after March 1, 2019, is anyone using educational assistance under chapter 31, Vocational Rehabilitation/Employment (VR&E).
- Effective for courses and terms beginning after August 1, 2022, is anyone using educational assistance under Chapter 35, VA Survivors' and Dependents' Educational Assistance.

This policy shall be read to be amended as necessary to be compliant with the requirements of 38 U.S.C. 3679(c) as amended.

V. International Students

International students who apply for classification as a resident student for tuition purposes must have the ability to remain indefinitely in the United States and otherwise meet the requirements of the Code of Alabama.

A person must be a Permanent Resident Alien, Political Asylee, Political Refugee, or who hold an A, E, G, H, I, L, O, P, R, TC, TD or TN visa to be eligible for review as an in-state resident for tuition purposes. In addition, the criteria for classification as a resident student for tuition purposes must be demonstrated sufficiently.

Students who hold a B, F, J, or M visa are not eligible to establish Alabama residency unless their supporting person meets the criteria in this policy for residency for tuition purposes. Full-time employees of a company party to an Alabama Free Trade Agreement may be eligible to establish residency based on that employment.

VI. Process for Reclassification of Residency

A. Application for Reclassification

Students who wish to apply for reclassification of residency must submit an *Application for Reclassification of Residency* to the Office of the Registrar – Student Records prior to the deadlines



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listed below for the term in question. Applications received by the Priority Deadline for the term in question will have an initial decision rendered prior to tuition and fees coming due for the term. Students are responsible for the payment of tuition and fees according to the deadlines set by the Office of Financial Affairs. These deadlines will not be extended while a student’s residency reclassification application is being reviewed. **Applications submitted after the respective final deadline will be considered for the next semester.** Requests for reclassification for past semesters will not be considered.

Semester	Priority Deadline	Final Deadline
Fall	July 1	1 st Day of Classes for Full Term
Spring	November 1	1 st Day of Classes for Full Term
Summer	April 1	1 st Day of Classes for Full Term

The burden of proof for a change in classification is on the individual seeking reclassification. Reclassification as a resident student shall be based upon the required application and the supporting documentation filed with the application and submitted to the Office of the University Registrar.

If a student who has been previously denied in-state residency reclassification has a change in his/her status (e.g., a reason for being in the state other than to attend school, or it is his/her intent to remain in the state indefinitely), then a new Application for Reclassification of Residency may be submitted to the Office of the Registrar. **Only those students whose circumstances have changed in a significant way and are able to provide sufficient additional documentation for review will be considered.** Otherwise, no further reclassification requests will be considered.

Requests for reclassification of residence are independent of other student service area deadlines. Student class schedules, billing schedules, and payment deadlines cannot be held or altered due to a pending application for reclassification or an appeal of a denied request. Similarly, review and decisions regarding reclassification requests are not made according to timelines and deadlines for other processes on campus including, but not limited to: billing schedules, payment deadlines, and scholarship acceptance deadlines.

B. Appeals

If your request for reclassification of residence for tuition purposes is denied, you may request an appeal of the decision. The Residency Appeals Review Committee, composed of the Director of Admissions or designee, the Director of Financial Aid or designee, and the Registrar, reviews and makes decisions on appeal requests. The expectation from the Committee is that all appeal requests include



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supporting documentation **over and above what was submitted with the original application**. The decision of the Committee will be final.

To initiate the appeal process, you must submit a written request. Any and all additional supporting documentation relevant to the request **must** be included with the written request. All appeal requests must be received by the Office of the Registrar – Student Records no later than the 30th calendar day following the date of the letter denying your application for reclassification. Appeal requests may be mailed, emailed to registrar@athens.edu, or hand-delivered to the Office of the Registrar – Student Records.

The mailing address for appeals to the Office of the Registrar is:
Residency Appeals Review
Office of the Registrar – Student Records
Athens State University
300 North Beaty Street
Athens, AL 35611

VII. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President has assigned the Provost/Vice President for Academic Affairs and Student Services as the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every three years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to the Director of Admissions and the Registrar.