INSTITUTIONAL POLICY: ST-10

Category:	Students
Subject:	Residency Classification and Appeals
Effective Date:	June 12, 2018
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ST 10-1. Authority

W. Va. Code § 18B-1-6

ST 10-2. Residency Classification for Admission and Tuition and Fees

Applicants for admission to the West Virginia School of Osteopathic Medicine ("WVSOM") shall be assigned an official residency classification for admission, tuition, and fee purposes by the Director of Admissions on July 1 of the year of matriculation to WVSOM based on the applicant's domicile as of July 1 of that year. The Director of Admissions is authorized to require such written documentation, affidavits, verifications, or other evidence as deemed necessary to establish the applicant's domicile.

ST 10-3. Determination of Domicile

3.1 "Domicile" means the adoption of a state as a person's fixed, permanent home and involves personal presence within the state with no intent on the part of the applicant, or applicant's parents in the event of a dependent student, to return to another state or country.

3.2 The burden of establishing West Virginia domicile for admission, tuition and fee purposes is upon the applicant.

3.3 To establish a West Virginia domicile, an applicant must prove that he or she had a continued presence within the state for at least twelve (12) months prior to July 1 of the year of matriculation, or by having a continued presence within the state for less than twelve (12) months prior to July 1 of that year, if supported by evidence of positive and unequivocal action; **Provided,** that such presence is not primarily for the purpose of attendance at any West Virginia institution of higher education. Residing with relatives other than parents or legal guardians does not, in and of itself, cause the applicant to attain domicile in West Virginia for admission, tuition, and fee purposes.

3.4 To determine domicile, WVSOM officials shall consider the totality of the information obtained concerning an applicant's domicile status including, but not limited to, the following:

3.4.1 Factors supporting establishment of West Virginia domicile including, but not limited to, the ownership or long term lease of a permanently occupied home in West Virginia; full-time employment within West Virginia; paying West Virginia real or

personal property taxes; filing West Virginia income tax returns; registering motor vehicles in West Virginia; possessing a valid West Virginia driver's license; marriage to a person already domiciled in West Virginia, provided that the person was domiciled in West Virginia on or about the time of the applicant's residency determination; designation of military home of record; and statements of intent with respect to residency or domicile on any other applications or records which may become relevant to determine such issue.

3.4.2 Factors militating against establishment of West Virginia domicile including, but not limited to, dependence upon the support of a non-resident parent or guardian; being claimed as a dependent on a non-resident parent's or guardian's federal or state income tax returns or on the parent's or guardian's health insurance policy; receiving financial assistance from state student aid program(s) in another state; leaving the state when school is not in session; having attended high school in another state; and having attended an out-of-state institution and paid in-state tuition and fees in that state.

3.4.3 Dependency Status

(i) A dependent applicant is one who is listed as a dependent on the federal or state income tax return of his or her parent(s) or legal guardian or who receives major financial support from that person. Such an applicant maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent applicant takes the domicile of the parent with whom he or she lives or to whom he or she has been assigned by court order.

(ii) A dependent applicant who enrolls and is properly classified as a resident maintains that classification after becoming independent as long as the enrollment is continuous and the applicant does not establish domicile in another state. A non-resident dependent applicant who becomes independent does not, by reason of such independence alone, attain domicile in West Virginia for admission, tuition or fee payment purposes.

3.4.4 Previous determinations of an applicant's domicile by another institution are not binding upon WVSOM in its determination, but will be considered in addition to all other evidence submitted with a view to maintaining consistency, if appropriate. Non-resident applicants being assessed resident tuition and fees by another state institution under a reciprocity agreement may not transfer such status to WVSOM.

3.4.5 Proof of these or other factors shall be considered as evidence only and will be reviewed in totality when determining establishment of West Virginia domicile.

3.5 An applicant who meets either of the following criteria shall be classified as a West Virginia resident for tuition and fee purposes:

3.5.1 A person who is living in West Virginia and receiving education benefits provided under Chapter 30 or Chapter 33 of the United States Code from the U.S. Department of Veterans Affairs so long as such person is considered a "covered individual" as described in 38 U.S.C. § 3679. The in-state classification will continue as long as the student remains continuously enrolled at the institution.

3.5.2 A member of the National Guard who is not a resident of West Virginia, but who is an active member of a National Guard unit in West Virginia participating in the National Guard education services program.

3.6 Questions relating to domicile must be brought to the attention of the Director of Admissions at least two (2) weeks prior to the official residency determination.

ST 10-4. Change of Residency Classification

4.1 WVSOM presumes that any person who enrolls at WVSOM as a non-resident has come to West Virginia for the primary purpose of attending an institution of higher education, and the non-resident classification for tuition and fee purposes will continue throughout the student's enrollment at WVSOM.

4.2 A person who has been classified as a non-resident student and who seeks resident classification must submit a written request to change residency classification to the WVSOM Registrar. The student assumes the burden of providing conclusive evidence that he or she has established domicile in West Virginia with the intention of making a permanent home in this state. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements, but also by that person's actions. In making a determination regarding a request for change in residency classification, the Registrar shall consider the following:

4.2.1 Whether, after reviewing the totality of the factors referenced in Section 3.4, a West Virginia domicile has been conclusively established by having a continued presence within the state for at least twelve (12) months prior to the date of application for a change in residency classification or by having a continued presence within the state for less than twelve (12) months prior to the date of application for a change in residency classification if supported by evidence of positive and unequivocal action; **Provided,** that such presence is not primarily for the purpose of attendance at any West Virginia institution of higher education. Proof of these factors shall be considered as evidence only.

4.2.2 Whether the student meets either of the criteria set forth in Section 3.5.

4.2.3 If approved, the change in residency classification shall be effective at the beginning of the next semester following the date the application for reclassification was approved.

ST 10-5. False Statements

Any applicant or student found to have made a false or misleading statement concerning domicile or residency classification shall be subject to disciplinary action and will be charged the non-resident tuition and fees for each academic term thereafter attended.

ST 10-6. Residency Classification Appeals

6.1 Filing Appeals

6.1.1 Applicants or students may appeal the residency classification decision to the Residency Classification Appeals Committee ("Committee") by notifying the Vice President of Academic Affairs and Dean (the Dean) in writing within fifteen (15) business days of the official residency determination.

6.1.2 The Committee shall have four (4) standing members, consisting of two students appointed by the Student Government President and two faculty members at large elected by the faculty. The Dean shall direct the appellant to select three (3) of the four members to hear the appeal. If the appellant does not select the members within the time established by the Dean, the appeal shall be denied.

6.1.3 Once the Committee is selected, the Dean shall forward the appeal, together with all information relevant to the student's residency classification and domicile, to the Committee with instructions for it to contact the student and schedule a meeting within a reasonable time following receipt of the written appeal.

6.1.4 If the appellant cannot appear when the Committee convenes, he or she has the option of allowing Committee members to make a decision on the basis of the written materials pertaining to the appeal, or of postponing the hearing until another date can be scheduled within a reasonable time.

6.2 Recommendation and Decision

Once the Committee has made its determination, including findings of fact and conclusions, the written Committee recommendation shall be sent within a reasonable time to the Dean. The Dean, in turn, will decide the appeal and notify the appellant in writing within five (5) business days of the decision. If the decision is contrary to the recommendation of the Committee, the Dean shall set forth written findings of fact and conclusions supporting the decision, which shall be provided to the appellant.

6.3 Final Appeal

A final, written appeal may be made by the appellant to the President within five (5) business days of notification of an adverse decision by the Dean. The President shall review the record and shall notify the appellant of his decision within five (5) business days of receiving the appeal. The President's decision is final.

ST 10-7. References

7.1 Residency Classification for Admission and Fee Purposes, W. Va. Code R. § 133-25.

7.2 Veterans' Benefits, 38 U.S.C. § 3679.

7.3 Resident Tuition Rates for National Guard Members, W. Va. Code § 18B-10-1a.