

REGULATIONS FOR DETERMINING RESIDENCY AND TUITION CHARGES

Board of Regents Handbook, Title 4, Chapter 15, Section 1

These regulations have been enacted to provide uniform rules throughout the Nevada System of Higher Education (the "System") and all member institutions thereof, for the purpose of determining whether students shall be classified as resident students or nonresident students for tuition charges.

Definitions

Board of Regents Handbook, Title 4, Chapter 15 Section 2

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 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 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. "Most recent tax year" means the income tax return submitted for the prior income year.
10. "Legal guardian" means a court appointed guardian of a dependent person, who was appointed guardian at least 12 months immediately prior to the dependent person's date of matriculation and for purposes other than establishing the dependent person's residence.
11. "Nonresident" means a person who is not a resident.
12. "Objective evidence" means evidence that is verifiable by means other than a person's own statements.
13. "Relocated" means evidence of permanent, full-time employment or establishment of a business in Nevada prior to the date of matriculation.
14. "Residence" is a term which for the purposes of these regulations is synonymous with the legal term "domicile," and means that location in which a person is considered to have the most settled and permanent connection, intends to remain and intends to return after any temporary absences. Residence results from the union of a person's physical presence in the location with objective evidence of an intent to remain at that location for other than a temporary purpose.
15. "Resident" means a person who has established a bona fide residence in the State of Nevada with the intent of making Nevada the person's true, fixed and permanent home and place of habitation, having clearly abandoned any former residence and having no intent to make any other location outside of Nevada the person's home and habitation. The term also includes a member of the Armed Forces of the United States who has previously established a bona fide residence in the State of Nevada, but who has been transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.
16. "Returning student" means a student who reenrolls after a break in enrollment of one or more semesters. A "returning student" retains prior resident status, if any, as long as there is no indication that the student has established residency elsewhere.
17. "Student" means a person who is enrolled at an institution of the Nevada System of Higher Education.
18. "Spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.
19. "Tuition" means a monetary charge assessed against nonresident students which is in addition to registration fees or other fees assessed against all students.

Tuition Charges

Board of Regents Handbook, Title 4, Chapter 15, Section 3

Tuition shall be charged to nonresident students except as otherwise provided in this Section. Tuition shall not be charged:

1. To current enrollees or graduates of a Nevada high school. This Subsection does not apply to enrollees or graduates of an online

Nevada high school if the student is not physically present and residing in the State of Nevada while enrolled or prior to graduation.

2. To returning students who had established an exemption from tuition charges at any NSHE institution in their prior enrollment period.
3. To community college students in community service courses that are not state funded.
4. To a professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the NSHE currently employed at least half time, or the spouse or dependent child of such an employee.
5. To a graduate student enrolled in the NSHE and employed by the System in support of its instructional or research programs, only during the period of time of such employment.
6. To graduate fellows.
7. To a member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, parent or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, including a Marine currently stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California. If the member ceases to be stationed in Nevada, reside in Nevada, be stationed in Pickel Meadows, California, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was enrolled prior to the reassignment and remains continuously enrolled at an NSHE institution.
8. To a veteran of the Armed Forces of the United States who was honorably discharged and who on the date of discharge was on active duty stationed in Nevada, including a marine stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California, pursuant to military orders.
9. Except as otherwise provided in Subsection 8 of this Section, to a veteran of the Armed Forces of the United States who was honorably discharged within the five years immediately preceding the date of matriculation of the veteran at any NSHE institution.
10. To a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.
11. 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.

Except as otherwise provided in Section 3 of this chapter, as supported by clear and convincing evidence, any person who meets any one of the following categories shall be deemed a resident student for tuition purposes:

1. Except as provided otherwise in this section, a dependent person whose spouse, family or legal guardian is a bona fide resident of the State of Nevada for at least 12 months immediately prior to the date of matriculation. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment and must be issued at least 12 months prior to the date of matriculation:
 - a. Evidence of Nevada as the spouse's, parent's or legal guardian's permanent, primary residence at the date of matriculation (examples of evidence include home ownership, a lease agreement, rent receipts, utility bills).
 - b. The student's birth certificate or proof of legal guardianship.
 - c. The spouse's, parent's or legal guardian's tax return for the most recent tax year, which indicates the student claimed as a dependent.
 - d. A Nevada driver's license or Nevada identification card for the spouse, parent or legal guardian.
 - e. A Nevada vehicle registration for the spouse, parent or legal guardian.
 - f. Nevada voter registration for the spouse, parent or legal guardian.
 - g. Evidence that the student's spouse, family or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment or to establish a business in Nevada (examples of evidence include a letter from the employer or copy of business license).
2. Except as provided otherwise in this Section, a financially independent person whose family resides outside the State of Nevada, if the person himself or herself is a bona fide resident of the State of Nevada for at least 12 months immediately prior to the date of matriculation. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment and must be issued at least 12 months prior to the date of matriculation:
 - a. Evidence of 12 months physical, continuous presence in the State of Nevada prior to the date of matriculation. Examples of evidence include a lease agreement, rent receipts, utility bills.
 - b. The student's tax return for the most recent tax year, indicating a Nevada address. If no federal tax return has been filed by the student because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year that indicates the student was not claimed as a dependent.
 - c. The student's Nevada driver's license or Nevada identification card.
 - d. The student's Nevada vehicle registration.
 - e. The student's Nevada voter registration.
 - f. Evidence that the student, and/or the person's spouse, has relocated to Nevada for the primary purpose of permanent full-time employment or to establish a business in and living in Nevada. Examples of evidence include a letter from the employer or copy of business license.
3. A former member of the Armed Forces of the United States who was relocated from Nevada as a result of permanent change of

Resident Students

Board of Regents Handbook, Title 4, Chapter 15, Section 4

duty station pursuant to military orders will be considered a Nevada resident for tuition purposes under the following conditions:

- a. He/She was a resident of Nevada prior to leaving the state as a member of the Armed Forces;
- b. He/She maintained his/her Nevada residency while a member of the Armed Forces; and
- c. He/She returns to the state of Nevada within one year of leaving the Armed Forces.

It will be necessary for the student to supply documentation in support of each of these conditions, e.g., driver's license, property ownership, evidence of absentee voting, etc.

4. A graduate of a Nevada high school. This Subsection does not apply to graduates of an online Nevada high school if the student is not physically present and residing in the State of Nevada prior to graduation.
5. A financially independent person who has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.
6. A financially dependent person whose spouse, family or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.
7. Licensed educational personnel employed full-time by a public school district in the State of Nevada, or the spouse or dependent child of such an employee.
8. A teacher who is currently employed full-time by a private elementary, secondary or postsecondary educational institution whose curricula meet the requirements of NRS 394.130, or the spouse or dependent child of such an employee.
9. An alien who has become a Nevada resident by establishing bona fide residence in Nevada and who holds a permanent immigrant visa, has been granted official asylum or refugee status, has been issued a temporary resident alien card, holds an approved immigration petition as a result of marriage to a U.S. citizen, or is a nonimmigrant alien admitted to the U.S. with a visa classification under which the holder is eligible to establish domicile in the U.S.. An alien holding another type of visa shall not be classified as a resident student pursuant to this Subsection, except as may be required by federal law or court decisions and upon due consideration of evidence of Nevada residence. The vice chancellor for academic affairs shall establish procedures governing visa classifications for the purpose of determining eligibility for classification as a resident student (B/R 3/18)

Reclassification of Nonresident Status

Adapted from Board of Regents Handbook, Title 4, Chapter 15, Section 8

There is a rebuttable presumption that a nonresident attending an institution of the NSHE is in the State of Nevada for the primary or sole purpose of obtaining an education. Therefore, a nonresident who enrolls in an institution of the System shall continue to be classified as a nonresident student throughout the student's enrollment, unless and until the student demonstrates that his or her previous residence has been abandoned and that the student is a Nevada resident. Each student seeking reclassification from nonresident to resident student status must submit the Application for Residency Reclassification. Students seeking reclassification from nonresident to resident student status must satisfy the conditions described in Subsections 1 through 3.

1. Application and Written Declaration

An application for reclassification may be submitted under the provisions of this Section if the material facts of a student's residency, or the residency of the student's spouse, parent or legal guardian, have substantially changed following matriculation. The student must apply in writing to the appropriate office of the institution for reclassification to resident student status. The application must include a written declaration of intent to relinquish residence in any other state and to certify to the establishment of bona fide residence in Nevada. A declaration form prescribed by the Chancellor and approved by the Board shall be utilized by each institution. The filing of a false declaration will result in the payment of nonresident tuition for the period of time the student was enrolled as a resident student and may also lead to disciplinary sanctions under Title 2, Chapter 10 of the NSHE Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion

2. Bona Fide Residence and Intent to Remain in Nevada

The student, or the parents or legal guardians of the student, must document continuous physical presence as a Nevada resident for at least 12 months immediately prior to the date of application for reclassification and must present clear and convincing, objective evidence of intent to remain a Nevada resident. No fewer than four of the following pieces of objective evidence must be submitted with the application for reclassification to the satisfaction of the institution. Any evidence or documentation associated with these pieces of evidence must be issued 12 months prior to the first day of the semester for which reclassification is requested.

- a. Ownership of a home in Nevada;
- b. Lease of living quarters in Nevada;
- c. Utility receipts for the home or leased quarters;
- d. Nevada driver's license or Nevada identification card;
- e. Nevada vehicle registration;
- f. Nevada voter registration;
- g. Evidence of employment in Nevada such as a letter from employer on employer's letterhead, W2 income tax form or pay stubs;
- h. A license for conducting a business in Nevada;
- i. Admission to a licensed practicing profession in Nevada;
- j. Registration or payment of taxes or fees on a home, vehicle, mobile home, travel trailer, boat or any other item of personal property owned or used by the person for which state registration or payment of a state tax or fee is required;
- k. A Nevada address listed on Selective Service registration;
- l. Evidence of active savings or checking accounts in Nevada financial institutions
- m. Evidence of summer term enrollment at an NSHE institution within the prior academic year; or

n. Any other evidence that objectively documents intent to abandon residency in any other state and to establish Nevada residence.

3. Financial Status

An application for reclassification must include the following objective evidence of financial status:

a. If financially independent, a true and correct copy of the student's federal income tax return for the most recent tax year showing a Nevada address must be submitted with the application for residency reclassification. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year must be submitted that indicates the student was not claimed as a dependent. If no federal tax return has been filed because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income must be submitted.

b. If financially dependent, a true and correct copy of the spouse, parent or legal guardian's federal income tax return for the most recent tax year showing a Nevada address must be submitted and must indicate the student filed jointly with a spouse or was claimed as a dependent. Students may also be required to provide documentation such as a birth certificate, proof of legal guardianship, or a marriage certificate to prove the relationship. A dependent person whose parent or legal guardian is a nonresident is not eligible for reclassification to resident student status.

4. The presentation by a person of one or more items of evidence as indicia of residence is not conclusive on the issue of residency. Determinations of residence shall be made on a case-by-case basis and the evidence presented shall be given the weight and sufficiency it deserves, after taking all available evidence into consideration.

5. Residence in a neighboring state other than Nevada is continuing qualification for enrollment in the WICHE Western Undergraduate Exchange program at a NSHE institution and in a tuition discount program approved by the Board of Regents pursuant to Title 4, Chapter 17, Section 13. A student who was initially enrolled in a System institution under the WICHE Western Undergraduate Exchange program or a tuition discount program approved by the Board shall not be reclassified as a resident student following matriculation. A nonresident student who subsequently disenrolls from the WICHE Western Undergraduate Exchange Policy or a tuition discount program approved by the Board and pays nonresident tuition for at least 12 months may apply for reclassification to resident student status. An application for reclassification may be submitted under the provisions of this Section if the material facts of a student's residency as it relates to the parent's or legal guardian's residency, have substantially changed following matriculation.

6. When a student has been reclassified to resident student status, the reclassification shall become effective at the registration period in the System institution immediately following the date the student receives notice of the reclassification decision.

7. No reclassification under these regulations shall give rise to any claim for refund of tuition already paid to the Nevada System of Higher Education (B/R 3/17).

Administration of the Regulations

Board of Regents Handbook, Title 4, Chapter 15, Section 9

Each institution of the Nevada System of Higher Education shall designate an appropriate office to implement and administer these regulations.

1. Each designated office shall make the initial decisions on the resident or nonresident student status of persons enrolling in the institution. If a verifiable error occurs when the initial decision is made to classify a student as a nonresident for tuition purposes, the designated office shall correct the decision and reclassify the student as a resident for tuition purposes without requiring the student to apply for residency reclassification.

2. Each designated office shall make the initial decision on application for reclassification from nonresident to resident student status.

3. The president of each System institution shall establish an appellate procedure under which a person may appeal decisions of the designated office concerning tuition or status as a resident or nonresident student to an appellate board.

a. A person may appeal a decision of the designated office to the appellate board within thirty (30) days from the date of the decision of the office. If an appeal is not taken within that time, the decision of the designated office shall be final.

b. The appellate board shall consider the evidence in accordance with the standards and criteria of these regulations and shall make a decision, which shall be final. No further appeal beyond the appellate board shall be permitted.

4. In exceptional cases, where the application of these regulations works an injustice to an individual who technically does not qualify as a resident student, but whose status, either because of the residence of the student or his family, is such as to fall within the general intent of these regulations, then the appellate board shall have the authority to determine that such a student be classified as a resident student. It is the intent of this provision that it applies only in the infrequent, exceptional cases where a strict application of these regulations results, in the sole judgment of the appellate board, in an obvious injustice. (B/R 9/13)

Uniformity of Decisions

Board of Regents Handbook, Title 4, Chapter 15, Section 10

The decision of an institution of the NSHE to grant resident student or nonresident status to a person shall be honored at other System institutions, unless a person obtained resident student status under false pretenses or the facts existing at the time resident student status was granted have significantly changed. Students granted nonresident student status by an institution retain the right to apply for reclassification under the provision of the chapter. (B/R 2/05)

Effective Date of Regulations

These regulations took effect in the Nevada System of Higher Education at the beginning of the Spring semester 1997 for each System institution. However, the application of these regulations shall not affect the status of any student now classified as a resident (in-state) student before the

effective date of these regulations. Any student enrolled in a System institution prior to the beginning of the Spring semester 1997 who had been classified as a nonresident (out-of-state) student is eligible for reclassification as a resident student under the Board of Regents residency regulations in effect at the time the student commenced his or her current period of continuous enrollment. No reclassification under these regulations shall give rise to any claim for refund of tuition already paid to the Nevada System of Higher Education.

NOTICE: Filing a false Declaration of Intent of Residency will result in the payment of nonresident tuition for the period of time a student was enrolled as a resident student and may also lead to disciplinary sanctions under Chapter Six of the Nevada System of Higher Education Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion.

Audits of Residency Determinations

Per NSHE Board of Regents policy, institutions shall determine procedures to ensure that resident determinations are accurate on the basis of information reported on the application for admission pursuant to the Board policy. If documentation is not required for each student during the admission process, every Fall and Spring the institution shall conduct random audits by selecting at least 10 percent of the applicant population and collecting the appropriate documentation from each student confirming residency status as originally reported on the student's application for admission. (B/R 6/10)