

### 8.3 RESIDENCY AND TUITION CLASSIFICATION GUIDELINES

The State of Colorado partially subsidizes the cost of tuition for all students whose domicile, or permanent legal residence, is in Colorado. Each CSM student is classified as either an “in-state resident” or a “non-resident” at the time of matriculation. These classifications are based upon information furnished by each student on his or her application for admission to CSM.

The specific requirements for establishing residency for tuition classification purposes are prescribed by state law (Colorado Revised Statutes § 23-7-101, *et seq.*). Because Colorado law governs Colorado residency status, the fact that a student might not qualify for in-state status in any other state does not guarantee in-state status in Colorado. Moreover, it is presumed that a student classified as a non-resident at the time of matriculation who seeks to establish Colorado domicile while registered at CSM seeks Colorado domicile solely for tuition purposes. The student can rebut this presumption and be deemed an in-state resident only by a showing of *clear and convincing* evidence of his or her eligibility for this status.

#### Petitioning for In-State Tuition Classification

A continuing, non-resident student who believes that he or she has become eligible for in-state tuition due to events that have occurred subsequent to his or her initial enrollment may file a Petition for In-state Tuition Classification with the Registrar’s Office. This petition is due in the Registrar’s Office no later than the first day of the semester for which the student is requesting in-state residency status. The Registrar will make the initial decision regarding the student’s eligibility for in-state status. This decision can be appealed by petition to the Tuition Classification Review Committee. For more information about this process, please contact the Registrar’s Office.

#### **Summary of Statutory Requirements**

In-state or resident status requires domicile in Colorado for one year or more immediately preceding the beginning of the semester for which in-state status is sought. “Domicile” means a person’s true, fixed, and permanent home and place of habitation. It is the place where the individual intends to remain and to which he intends to return when he leaves. Establishment of a new domicile in Colorado occurs when an individual is physically present in Colorado and does not intend to return to the state in which he or she was formerly domiciled (or to acquire a domicile at some other place outside of Colorado). The domicile of an unemancipated minor is the same as the parent or guardian with whom he or she resides. Students over the age of 22 years, students commencing a post-baccalaureate degree program, and emancipated minors are qualified to determine their own domicile. “Emancipated minor” means a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor, are under no duty to support the minor and have made no provision for the support of such minor.

#### **Domicile**

Pursuant to Colorado law, the following may be considered as **evidence of Colorado domicile**:

- Payment of Colorado income tax;
- Employment in Colorado (other than that normally provided to students on a temporary basis by CSM, or other temporary employment);
- Ownership of residential real property in Colorado;
- Graduation from a high school located in Colorado;
- Continued residence in the state of Colorado during periods when not enrolled as a student, or during periods between academic sessions;

- Acceptance of future permanent employment in the state of Colorado;
- Vehicle registration in Colorado;
- Voter registration in Colorado; and
- Any other factor peculiar to the individual that tends to establish the necessary intent to make Colorado a permanent home.

No single factor or combination of these factors may be considered *conclusive* evidence of domicile. Moreover, because domicile is defined as a true, fixed and *permanent* home, individuals who are present in Colorado on a temporary basis, e.g., for the purpose of completing a degree, cannot establish domicile by merely taking these actions.

The following may be considered as **evidence of domicile in another state**:

- Failure to comply with any Colorado law imposing a mandatory duty upon a domiciliary or resident of this state;
- Maintenance of a home in another state;
- Payment of income tax in a state other than Colorado;
- Prolonged absence from Colorado, except for the purpose of military or governmental service, when the absence is due to a temporary relocation required as a condition of employment, or when the student has been out of state for less than three years and his or her parent or legal guardian was and continues to be a resident of Colorado;
- Return to one's former residence for a substantial portion of the time during periods when not enrolled as a student, or between academic sessions;
- Vehicle registration in another state; and
  - Any other factor peculiar to the individual that tends to establish the fact that his or her permanent home is in another state.

### **Emancipation**

The following may be considered as **evidence of emancipation**, although none of these items, other than marriage, may be considered as *conclusive* evidence of emancipation:

- An affidavit from the parents stating their relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor;
- Entry into the military service by the minor;
- Failure of the parents to provide financial support to the minor, coupled with the evidence that the minor is independently able to meet his or her own financial obligations, including the cost of his or her education;
- A minor's marriage; and
- Any other factor peculiar to the individual that tends to establish that he or she is independent of his or her parents.

The following may be considered as **evidence of non-emancipation**:

- A parent's claiming of a minor as a dependent for the purpose of income taxation;
- A student's receipt of and reliance on gifts, loans, or proceeds from an *inter vivos* trust regardless of the date of receipt thereof and whether such funds are proffered by the parents, another relative, or a friend of the minor;
- The minor's continued residence in the home of his or her parents (temporary visits excepted); and
- Any other factor peculiar to the individual that tends to establish that he or she lacks independence and is dependent upon his or her parents.

## **Military Personnel**

Members of the United States armed forces may be eligible to obtain in-state status after being domiciled in Colorado for 12 continuous months and complying with the tuition classification statutes or, notwithstanding the length of residency, upon moving to Colorado on a permanent change-of-station basis. Moreover, any member of the military forces of Canada stationed in Colorado, or the dependent of any such member, qualifies for in-state tuition status at any institution of higher education in this state. However, no member of the Canadian military will be deemed to be stationed in this state unless he maintains a full-time principal residence in Colorado. Moreover, in-state tuition status for Canadian military personnel or their dependents will terminate at the conclusion of the current semester upon transfer to any station outside of this state.

## **Olympic Athletes**

An athlete who otherwise would not be classified as an in-state student for tuition purposes may qualify for in-state status if the athlete is in residence and in training at the U.S. Olympic Training Center at Colorado Springs.

## **Foreign Nationals**

A foreign national, notwithstanding an intention to return to his or her country of origin or ineligibility to establish domicile in the United States pursuant to federal law, is eligible for classification as an in-state student after one year of Colorado residence if the primary purpose of the foreign national's residence in Colorado is other than for his or her education or for the education of a family member. The Colorado Commission on Higher Education has determined which nonimmigrant alien categories are subject to this provision. Nonimmigrants in the following categories cannot qualify for in-state tuition: F-1, F-2, H-3, H-4 (if the visa holder is the spouse or child of an H-3), J-1 and J-2 (if the J-1 visa holder is a student or trainee), M-1, and M-2. Individuals who are lawful permanent residents or who are admitted as refugees are eligible to establish domicile for tuition purposes.

## **WICHE Program Participants**

The Western Interstate Commission for Higher Education ("WICHE") promotes the sharing of higher education resources among the participating western states. Under this program, residents of Alaska, Arizona, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming who are enrolled in qualifying graduate programs may be eligible for in-state tuition classification. Check the Graduate Bulletin or contact the Office of Graduate Studies to find out which academic programs currently qualify.