

### **3359-60-04.1 Residency requirements.**

- (A) Payment of nonresident tuition surcharge is required by any student who does not qualify as a permanent resident of Ohio as defined by the Ohio board of regents, rule 3333-1-10 of the Administrative Code. This rule is fully incorporated by reference as if written herein and is effective for all university of Akron students.
- (B) Ohio student residency for state subsidy and tuition surcharge purposes is defined by the Ohio board of regents, rule 3333-1-10 of the Administrative Code.
- (C) Applying for a change in residency status.
  - (1) Students who wish to apply for a change in residency status should complete an Ohio residency status form and return it, along with any necessary supporting documentation, to the office of the university registrar.
    - (a) The Ohio residency status form must be submitted and any change approved prior to the first day of the academic term in which the student desires the reclassification to be effective.
    - (b) Retroactive residency determinations cannot be made for tuition surcharge purposes.
  - (2) A student has the burden of persuasion by clear and convincing proof that the student qualifies as a bona fide resident. Either or both the residency officer or the committee on residence status may require the student to submit evidence in support of the statements made on the application for residence status.
  - (3) The university residency officer is responsible for reviewing pertinent documents and making a determination as to classification. Thereafter students shall be classified as bona fide residents or nonresidents at the time of registration for each term or session based upon this rule and rule 3333-1-10 of the Administrative Code.
  - (4) Neither the residency officer nor the committee on residence status shall be bound by the usual common law or statutory rules of evidence nor by any technical or formal rules of procedure as they consider students' applications for a change in residency status.
  - (5) Both the residency officer and the committee on residence status may consider any relevant evidence in support of the student's claim or in opposition to it, may exclude evidence that is irrelevant, cumulative, or is lacking in substantial probative effect.

- (D) Appealing a residency determination.
- (1) Students who disagree with the residency officer's residency determination may appeal the decision by submitting a letter of appeal to the university registrar. The student may request in the letter of appeal to appear personally before the committee and may employ counsel at his or her expense.
  - (2) The university registrar shall transmit this letter of appeal to the chair of the committee on residence status, which shall conduct a hearing on the merits of the previously submitted validation of Ohio residency status form.
    - (a) The committee on residence status shall be comprised of the university registrar, residency officer, the university auditor, and a representative from the provost's office.
  - (3) The decision of the committee on residence status shall be final.
  - (4) The committee on residence status may make rules of procedure consistent with this rule.
- (E) Effect of nonresident status. If a student's proper status is that of a nonresident, the student shall pay nonresident tuition and interest at the rate of six percent per annum on the unpaid balance. A student who knowingly submits a false claim or knowingly gives false evidence in support of a claim commits an offense against the university of Akron and may be subject to disciplinary procedures.
- (F) For purposes of residency determination, enrollment of 12 credits or more will be considered full time for undergraduate students and 9 credits or more will be considered full time for graduate students.
- (G) The university registrar may implement processes and procedures as necessary to carry out the responsibilities and requirements of this rule and shall post such processes and procedures on the web.