

May 7, 2014

MEMORANDUM

TO: State Board of Regents  
FROM: Dave L. Buhler  
SUBJECT: Revision of Policy R512, Determination of Residency Status

Issue

Regent Policy R512, *Determination of Residency Status* requires revisions to several sections to be in compliance with *Utah State Code §53B-8-102, Definition of Resident Student*, and HB 45 (*In-state Tuition for Military Servicemembers and Veterans*) passed during the 2014 legislative session and has been subsequently signed by the Governor, including policy sections pertaining to:

- The residency status of a military servicemember or veteran of the United States Armed Forces and the servicemember or veteran's immediate family members; and
- A non-resident student whose 12 month residency waiting period is interrupted by absence from the state for any number of reasons.

In the process of preparing policy revisions to these sections, the Utah Attorney General's office working with the Commissioner's staff and institutional admissions representatives, carefully reviewed the remainder of R512 and is recommending some additional improvements as outlined in the accompanying blue-lined policy revision document.

Background

The key provisions addressed in R512's rewrite include:

- 1) Clarifying the definition of "domicile" in section 3.2. to be consistent with the general law on domicile. This includes not only a student's "bodily presence", but also the "concurrent intent to reside permanently in that location." Additionally, once domicile is established it continues until a new domicile is established by the student.
- 2) Emphasizing the responsibility of the USHE institutions in section 4.2. of determining resident student status of their students in credit-bearing programs and the option to not require residency classification for students in non-credit programs because most require less than a year to complete.
- 3) Identifying the burden of proof for a student to prove that he or she is eligible for resident student status is by a "preponderance of the evidence" as outlined in section 4.7.

- 4) Preserving language that a "student will not jeopardize his or her [residency] status solely by absence from the state for a period of less than 30 total days during the 12-month period the student seeks to count as the requisite waiting period."
- 5) Establishing a rebuttal presumption of non-resident student status for students who enroll in a USHE institution prior to residing in the state for 12 continuous months. The burden of proof required for rebutting this presumption is by substantial evidence or clear and convincing evidence.
- 6) Updating and making compliant section 6 with HB 45 (*In-state Tuition for Military Servicemembers and Veterans*) passed during the 2014 legislative session regarding the residency status of a military servicemember assigned to Utah and any immediate family members residing with him or her in this state. Residency provisions regarding veterans and immediate family members have also been updated.
- 7) Reordering a number of other sections which have not been substantially modified.

#### Commissioner's Recommendation

The Commissioner recommends that the Regents review the proposed revisions and if in agreement with the changes, approve the revisions to policy R512, *Determination of Residency Status*, effective immediately.

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David L. Buhler  
Commissioner of Higher Education

DLB/GLS/KVO/CRW  
Attachment

# R512, Determination of Resident Status<sup>1</sup>

**R512-1. Purpose:** To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

## R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. [Policy and Procedure R510, Tuition and Fee Policy](#)

~~2.6.2.7.~~ [Policy and Procedure R513, Tuition Waivers & Reductions](#)

## R512-3. Definitions

~~—3.1. “Continuous Utah residency status for one full year” means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.~~

### ~~R512-3.~~

~~3.2. “Discharge from United States Armed Forces” means the veteran’s termination of military commitment.~~

~~3.23. “Domicile”:~~ For purposes of this policy, the term “domicile” shall be defined consistent with general Utah law defining domicile, and ~~shall mean the place, for purposes of determining resident student status, shall be determined by the student’s:~~

### ~~3.1.~~

~~3.1.1. 3.3.1. where an individual has a fixed permanent home and principal establishment~~  
~~presence; and~~

### ~~(1)~~

~~3.1.2. to which the individual if absent, intends to return; and~~

~~(2) 3.3.1. in which the individual, and the individual’s family, voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home concurrent intent to reside permanently in that location.~~

<sup>1</sup> Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, and May 18, 2012.



Under the Common Law, all persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.34. "Immediate family member" means the spouse or unmarried dependent child of the individual student requesting resident student status.

3.4. "Military Servicemember" means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard

3.5. "Military veteran" means an individual who:

3.5.1. has served on active duty:

3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or

3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

3.2. 3.56. "Parent": As used in this policy, the term "parent" means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.

3.67. "Preponderance of the evidence" means the existence of a fact is more probable than its nonexistence.

"Resident Student": An individual who

3.3. 3.78. "Resident student status" means the condition of being a resident student for tuition purposes.

3.3.1. can prove by substantial evidence, based on the totality of the circumstances, that, prior to the first day of classes for the term the student seeks to attend as a resident student, he or she has established domicile in Utah and satisfied relevant waiting periods and other criteria, where applicable; or

3.89. "Substantial evidence" means evidence that is more than a mere preponderance and is definite, clear, and convincing.



3.910. "Utah residency" means residing in Utah.

3.11. "USHE institution" means an institution within Utah's system of higher education.

#### R512-4. Resident Student Status

4.1. Establishing Resident Student Status. A student will be granted resident student status after he or she

4.1.1. has acquired domicile in Utah; or

4.1.2. has satisfied one or more of the exceptions set forth in this policy.

#### 4.2 Policies for Determining Resident Student Status.

4.2.1. Policies for Students Enrolled in Credit-Bearing Degree Programs. Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code Ann. §53B-8-102 and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.

4.2.2. Policies for Students Enrolled in Non-Credit Programs. Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

4.2.3. Exception to Establishing Resident Student Status: Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

4.3 Rebuttable Presumption. A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

#### 4.4 International Students:

4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas: Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

4.4.2. Classification of International Students Who are in United States on Immigrant Visas: Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.4.3. Foreign National Students Who Are Legally Admitted in the United States: A student shall be exempt from paying the nonresident portion of total tuition if the student:

4.5.1.4.3.1. is a foreign national legally admitted to the United States;

4.5.1.4.3.2. attended high school in this state for three or more years; and

4.5.1.4.3.3. graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Example: A student who is an American Indian born in Canada (with at least 50% American Indian blood) cannot be denied admission to the United States and may enter the United States legally without obtaining a visa. If the student attends high school in Utah for three or more years and graduates from a Utah high school or received the equivalent of a high school diploma in this state, the student is eligible for resident student tuition. (However, if the student desires to reside permanently in the United States, he or she may apply for a green card after having created a record of admission for permanent residence. Once the green card is received, the student is eligible for resident student status if the criteria for resident student status are met.)

Example: An foreign national student who is placed involuntarily in Utah as part of a United States or Utah government relocation program for foreign refugees fleeing civil war, religious or racial persecution, political oppression, or other legitimate reason is eligible for resident student tuition if the student attends high school in Utah for three or more years and graduates from a Utah high school or received the equivalent of a high school diploma in this state.

**4.5. Other Students Who Are Exempt From Paying Nonresident Portion of Total Tuition:**

If allowed by federal law, a student, other than a nonimmigrant student within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United State Code (see Section 4.4.1. of this policy), shall be exempt from paying the nonresident portion of total tuition if the student:

4.5.1. attended high school in this state for three or more years;

4.5.2. graduated from a high school in this state or received the equivalent of a high school diploma in this state; ~~and~~

4.5.3. registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year; and

4.5.34. if the student is without lawful immigration status, files an affidavit with the USHE institution stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so; and;



**Immigrant Placed in Utah as Political Refugee:** An immigrant, not otherwise qualified as a resident, is immediately eligible, upon establishment of Utah domicile, to apply for resident student status, if he or she is placed involuntarily in Utah as part of a United States or Utah government relocation program for foreign refugees fleeing civil war, religious or racial persecution, political oppression, or other legitimate reason. This section does not apply to refugees who are originally placed in another state and subsequently move to Utah voluntarily

4.5.4 the student has not registered for college classes prior to the Fall of the 2002-03 academic school year.

4.6. Marriage to Utah Resident: A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

4.7. Burden of Proof: The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

4.7.1. A statement from the student describing employment and expected sources of support;

4.7.2. A statement from the student's employer;

4.7.3. Supporting statements from persons who might be familiar with the family situation;

4.7.4. Birth certificate;

4.7.5. Marriage certificate;

4.7.6. Documentation of eligibility for state social or rehabilitation services;

4.7.7. Documentation of immigration status and placement as political refugee;

4.7.8. Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

4.8. Receipt of State Social Services Benefits: A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent domiciled-residing in Utah during the time the individual received government aid shall count towards ~~the one-year time~~ any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.



4.9. **Reciprocity:** The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

4.10.1. the student obtained resident student status under false pretenses, or

4.10.2. the facts existing at the time of the granting of resident student status have significantly changed.

4.10. **Reclassification by the Institution:** If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the USHE institution.

4.11. **Procedures for Determining Resident Student Status:** If a student desires to be granted resident student status, he or she must comply with the following procedures:

4.11.1. **Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

4.11.2. **Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.

4.11.3. **Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.

4.11.4. **Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

4.11.5. **Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

4.11.5.1. Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.

4.11.5.2. The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.

4.11.5.3. The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.

4.11.5.4. Both the student and the administration's representative are entitled to representation by counsel.

4.11.5.5. Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

4.11.5.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

4.11.5.7. Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

4.12. **Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

3.3.2. — 4.13. **Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.

4.14 **Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition:** The following students who attend a USHE institution may receive a waiver of nonresident tuition under Regents' Policy R513; however, these students may not use time spent in Utah as a student on any of these programs toward the waiting period required for resident tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

4.14.1. **Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)

4.14.2. **Western Regional graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

4.14.3. **Professional Student Exchange/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)



4.14.4. Exemption for Alumni Legacy Scholarships: The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)

4.14.5. Dixie State University's Good Neighbor Students: The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

**R512-4. R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.—Waiting Period Required If Residence in Utah Was Established for Educational Reasons**

**R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.**

**4.1. Institutional Discretion to Set Policy for Resident Student Status**

4.1.1. Policies for Students Enrolled in Credit-Bearing Degree Programs: Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 4.3.

4.1.2. Policies for Non-Credit Programs: Because most non-credit applied technology programs are short term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

4.2. 5.1. General Rule: Unless otherwise stipulated by institutional policy, any person A student who has come to Utah for the purpose of attending an institution of higher education may establish be granted resident student status if, prior to the first day of classes of the term the student seeks to attend as a resident student, bythe student has:

4.2.1. demonstrating by objective evidence (see R512-4.3.) that he or she has established resident student status in Utah; and

4.2.2. 5.1.1. maintaineding continuous Utah residency status for one full year (12 continuous months prior to the term for which residency is being sought) beginning July 1, 2007 or any date thereafter; an individual will not jeopardize his/her status as a "continuous" resident solely by absence from the state for less than 30 total days during the 12-month period the individual seeks to count as the requisite waiting period; and,

4.2.3. submitting 5.1.2. submitted a written declaration that the student has relinquished residency in any other state; and



5.1.3. submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and

5.1.4. submitting-submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see R512section 4.12 above 4.5).

**4.3. 5.2** **Establishing Resident Student Status**Evidence Required: In determining whether an individual has established resident student status, USHE institutions will review all relevant documentation submitted by the student, and make the residency determination based on the totality of the circumstances. Students applying for resident student status under this section are expected to submit as much of the following documentationobjective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following. Evidence to satisfy the requirements of Utah resident student status may include:

4.3.1. 5.2.1. A Utah high school transcript issued in the ~~previous-past~~ year (~~12 months~~) confirming attendance at a Utah high school in the previous 12 months;

4.3.2. 5.2.2. A Utah voter registration dated a reasonable period (generally meaning ~~three (3) months (within the past 90 days)~~) prior to the first day of class of the term for which the student is seeking resident status;

4.3.3. 5.2.3. A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;

4.3.4. 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning ~~(3) months (within the past 90 days)~~) prior to the first day of class of the term for which the student is seeking resident status;

4.3.5. 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning ~~(3) months (within the past 90 days)~~) prior to the first day of class of the term for which the student is seeking resident status;

4.3.6. 5.2.6. Proof of payment of Utah ~~state-resident~~ income tax for the previous year;

4.3.7. 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status application for resident student status; and

4.3.8. 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status application for resident student status.;

~~4.4. — 5.3. **Continuous Residency**~~  
~~Absence from state: A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. the student seeks to count as the requisite waiting period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). Having~~  
~~If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, required by the institution the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has been granted~~  
~~established resident student status in Utah as outlined in 4.3., an individual any future absence from the state will not negatively affect his or her resident student status. will not jeopardize his/her status as a "continuous" Utah resident solely by absence from the state. For example:~~

Example:

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

~~4.4.1. — Example:~~ After ~~establishing being granted~~ resident student status, a ~~student~~ student may be absent from the state for purposes such as temporary employment, education, ~~or~~ religious, charitable, or military service and continue to be considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or /her absence from Utah.

~~4.4.2. — A student with long term ties to Utah, who is 18 years of age or older, who has graduated from a Utah high school, and who has been absent from the state for a period of less than 12 months, may be considered a resident for tuition purposes if evidence can be presented showing that the student has maintained or reestablished a Utah domicile.~~

~~4.5. — Declaration of Financial Independence:~~ In addition to submitting objective evidence of domicile, a person seeking resident student status following 12 months of continuous residence in Utah must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

R512.6. "Personnel of the United States Armed Forces" "Military Service" Exception to Establishing Resident Student Status.

~~4.6. — International Students without U.S. Residency Status:~~ Aliens who are present in the U.S. on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident. Aliens who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

6.1. A USHE institution shall grant resident student status for tuition purposes to:

6.1.1. a military servicemember, if the military servicemember provides:



6.1.1.1. the military servicemember's current United States military identification card; and

6.1.1.2. a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned to Utah.

6.1.2. a military servicemember's immediate family member, if the military servicemember's immediate family member provides one of the following:

6.1.2.1. the military servicemember's current United States military identification card; or

6.1.2.2. the immediate family member's current United States military identification card and a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah.

6.1.3. a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1. evidence of an honorable or general discharge;

6.1.3.2. a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;

6.1.3.3. objective evidence that the military veteran has taken overt steps to relinquish in any other state and establish residency in Utah, which may include any one of the following:

6.1.3.3.1. a Utah voter registration card;

6.1.3.3.2. a Utah driver license or identification card;

6.1.3.3.3. a Utah vehicle registration;

6.1.3.3.4. evidence of employment in Utah;

6.1.3.3.5. a rental agreement showing the military veteran's name and Utah address; or

6.1.3.3.6. utility bills showing the military veteran's name and Utah address.

6.1.4. a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

6.1.4.1. evidence of the military veteran's honorable or general discharge within the last five years;



6.1.4.2. a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

6.1.4.3. objective evidence that the military veteran's immediate family member has taken overt steps to relinquish residency in any other state and establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

**~~R512-5. Resident Student Status Based on Evidence of Residence in Utah for Non-educational Reasons—No Waiting Period Required If Presumption of Nonresident Status Is Rebutted~~**

~~5.1. — **Rebuttable Presumption of Nonresident Status:** A person who enrolls as a postsecondary student at a USHE institution prior to living in Utah for more than 12 continuous months, and who has therefore not met the waiting period criteria set forth in R512-4, will ordinarily be deemed a nonresident student for tuition purposes unless he or she presents evidence demonstrating that he or she moved to Utah and established domicile for non-educational reasons. A student may rebut the presumption of nonresident status and seek resident student status immediately, without satisfying the one-year continuous residency requirement, but still satisfying the financial independence and domiciliary evidence set forth in R512-4, by submitting evidence of Utah residence arising from one or more of the following circumstances~~

~~— **6.1. — Residency for active duty and reserve members of the United States Armed Forces assigned to Utah:** Personnel of the United States Armed Forces assigned to active duty in Utah or members of a reserve component of the United States Armed Forces assigned to Utah, and any immediate family member residing with them in this state are entitled to resident student status for tuition purposes.~~

~~5.1.1.1. — **6.2 — United States Armed Forces Personnel Who are Utah Residents Prior to Active Duty Assignment or Deployment Outside Utah:** Personnel of the U.S. Armed Forces who had Utah residency immediately prior to their deployment to active duty or reserve assignment outside of Utah, and who reestablish residency in Utah no later than 90 days after the termination of active duty status or reserve assignment, are immediately eligible, together with the any immediate family members of their families residing with them in Utah, to apply for resident student status for tuition purposes.~~

~~5.1.1.2. — **Prior Utah Residency:** For purposes of this section, an individual will be deemed to have prior Utah residency if he or she can show, in the year immediately prior to active duty deployment, indicia of Utah domicile, such as the filing of a Utah tax return in the year prior to deployment; Utah voter registration; possession of a Utah driver's license; and establishment of Utah banking connections.~~

~~5.1.1.3. — **Immediate Family Member:** For purposes of this section, the term "immediate family member" means the spouse or unmarried dependent child of the individual in the Armed Forces.~~

~~5.1.1.4. — **Residing With:** For purposes of this section, an immediate family member will be considered to be "residing with" an individual in the Armed Forces so long as the family~~

member's domicile, or permanent address, is the same as that of the individual in the Armed Forces. If an "immediate family member" meets the domiciliary requirement, he or she may attend, with resident tuition rates at, any public college or university in Utah.

~~5.1.2. Residency for Veterans of the United States Armed Forces: An institution within the state system of higher education shall grant resident student status for tuition purposes to a military veteran and the military veteran's immediate family members who reside in the state if the military veteran provides:~~

~~5.1.2.1. evidence of a discharge from the United States Armed Forces, other than a dishonorable discharge, that occurred within the previous 12 months~~

~~5.1.2.2. a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere; and~~

~~5.1.2.3. 6.3. Resident student status for children of active duty military personnel: Before resident student status can be granted to a child of military personnel under this section, the child must produce:~~

~~6.3.1. any one of the following:~~

~~6.3.1.1.~~

~~5.1.2.4. 6.3.1.2. 6.3.1.3.~~

~~5.1.2.5. 6.3.2. 6.4. Resident student status for military veteran and military veteran's immediate family members. s6.4.1.~~

~~6.4.2.~~

~~5.1.2.6. 6.4.3. objective evidence that the military veteran has taken overt steps to relinquish residency in any other state and establish residency in Utah, which may include evidence of the following:~~

~~5.1.2.6.1.~~

~~5.1.2.6.2. 6.4.3.1. a Utah voter registration card;~~  
~~5.1.2.6.3.~~

~~5.1.2.6.4. 6.4.3.2. a Utah driver license or identification card;~~

~~5.1.2.6.5. 6.4.3.3. a Utah vehicle registration;~~

~~5.1.2.6.6. 6.4.3.4. evidence of employment in Utah;~~

~~5.1.2.6.7. 6.4.3.5. a rental agreement showing name and Utah address;~~  
and

~~6.4.3.6. utility bills showing name and Utah address;~~  
~~5.1.2.6.8.~~

R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.



7.1. Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah is entitled to be granted resident student status.

7.2. Any American Indian who is a member of a federally recognized or known Utah tribe and has graduated from a Utah high school is entitled to be granted resident student status.

7.3. A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

#### **R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.**

8.1. ~~Job Corps Students:~~ A Job Corps student is entitled to resident student status if the student:

8.1.1. ~~(A)~~ is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

8.1.2. ~~(B)~~ submits verification that the student is a current Job Corps student.

8.2. Upon ~~the~~ termination of ~~the student's~~ Job Corps enrollment/participation, ~~the individual he~~ student shall be subject to the same residency standards applicable to other persons under this policy. ~~is governed by the standards applicable to non-Job Corps persons.~~ The time spent residing in Utah during ~~the~~ Job Corps enrollments ~~will counts towards~~ the time period set forth in section 4.3 of this policy. ~~one-year time period required for Utah residency for tuition purposes upon termination of Job Corp status.~~

#### **R512.9<sup>(CW1)</sup> "Member of the Utah National Guard" Exception to Establishing Resident Student Status.**

9.1. A person is entitled to resident student status if the person:

9.2.1. is admitted as a full time, part time, or summer school student in a program of study leading to a degree or certificate; and

9.2.2. submits verification, in the form of either an enlistment contract or "orders of unit assignment," that he or she is an active member of the Utah National Guard.

9.2. Upon the termination of the student's Utah National Guard enlistment or duty, the student shall be subject to the same residency standards applicable to other persons under this policy. Any time spent as an active member of the Utah National Guard, whether in or outside of Utah, will count towards the time period set forth in section 4.3 of this policy.

5.1.3. **Marriage to Utah Resident:** A person who marries a Utah resident is eligible to be a resident student under this policy and establishes his/her domicile in Utah as demonstrated by objective evidence as provided in 4.4 is immediately eligible to apply for resident student status.

5.1.4. **Full-time, Permanent Employment in Utah:** A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

**5.1.4.1.** — As with all such applications, the burden of proof is on the applicant to rebut the presumption of nonresident status. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

**5.1.4.1.1.** — the person's employment and educational history;

**5.1.4.1.2.** — the dates when Utah employment was first considered, offered, and accepted;

**5.1.4.1.3.** — when the person moved to Utah;

**5.1.4.1.4.** — the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

**5.1.4.1.5.** — whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

**5.1.4.1.6.** — evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and

**5.1.4.1.7.** — any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education..

Furthermore, absent extraordinary evidence to the contrary, if an applicant applies for admission to a USHE institution prior to the application for employment, prior to the offer of employment, prior to the commencement of employment, or within four months of moving to Utah, a spouse or dependent child of an individual who moves to Utah for full-time permanent employment, and establishes Utah domicile on that basis, is eligible to apply for resident student status. In determining the residency status of the enrolling spouse or dependent child, the institution shall consider all relevant evidence related to the individual's intent and domicile, including but not limited to, documentation set forth in section 5.1.4. of this policy.

#### **R512.109 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.**

**109.1.** A Student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident student status for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

**5.1.4.2. 109.2.** Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy. ~~it shall be strongly presumed that the person came to Utah for the purpose of attending an institution of higher education, and shall be subject to the requirements of section 4 of this policy.~~

**5.1.5. Spouse's or Parent's Full-time Work:** ~~A spouse or dependent child of an individual who moves to Utah for full-time permanent employment, and establishes Utah domicile on that basis, is eligible to apply for resident student status. In determining the residency status of the enrolling spouse or dependent child, the institution shall consider all relevant evidence related to the individual's intent and domicile, including but not limited to, documentation set forth in section 5.1.4. of this policy.~~



**R512.104**      **“Parent Domiciled in Utah for at Least 12 Months” Exception to Establishing Resident Student Status.**

**5.1.5.1. 104.1. Parent Domiciled in Utah for at Least 12 Months:** A dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for resident student status. The student is responsible to submit the documentation identified in section 4.73 of this policy demonstrating that the parent has established domicile in Utah-domicile.

**R512.112**      **“Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.**

**112.1**      A student who has come to Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

**112.2.**      All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

**112.2.1.** the employee's employment and educational history;

**112.2.2.** the dates when Utah employment was first considered, offered, and accepted;

**112.2.3.** when the person moved to Utah;

**112.2.4.** the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

**112.2.5.** whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

**112.2.6.** evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and

**112.2.7.** any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

**R512.123**      **“Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.**

**123.1.**      A student who resides in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on the long-term health care responsibilities.

123.2. All relevant evidence concerning the motivation for the move shall be considered, including:

123.2.1. the student's employment and educational history;

123.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;

123.2.3. when the student moved to Utah;

123.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

123.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;

132.2.6. evidence that the student is an independent person who is

13.2.6.1. at least 24 years of age; or

13.2.2 not claimed as a dependent on someone else's tax returns; and

123.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.

~~5.1.6. ——— Extenuating Circumstances: A person who has established domicile in Utah for child care obligations or extenuating financial or health reasons related to his/her divorce, the death of a spouse, or long-term health care needs or responsibilities related to the person's own health, or the health of an immediate family member, including the person's spouse, parent, sibling, or child, may apply for immediate resident student status. The student is responsible to submit evidence that the move to Utah was, in good faith, based on such extenuating circumstances. All relevant evidence concerning the motivation for the move shall be considered, including:~~

~~5.1.6.1.~~ the person's employment and educational history;

~~5.1.6.2.~~ the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;

~~5.1.6.3.~~ when the person moved to Utah;

~~5.1.6.4.~~ the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

~~5.1.6.5.~~ whether the person applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;

~~5.1.6.6.~~ evidence that the person is an independent person who is



~~5.1.6.6.1. — at least 24 years of age; or~~

~~5.1.6.6.2. — not claimed as a dependent on someone else's tax returns;~~

~~5.1.6.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.~~

~~**Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended. \_\_~~

~~**5.1.7. — Immigrant Placed in Utah as Political Refugee:** An immigrant, not otherwise qualified as a resident, is immediately eligible, upon establishment of Utah domicile, to apply for resident student status, if he or she is placed involuntarily in Utah as part of a United States or Utah government relocation program for foreign refugees fleeing civil war, religious or racial persecution, political oppression, or other legitimate reason. This section does not apply to refugees who are originally placed in another state and subsequently move to Utah voluntarily.~~

~~**5.2. — Documentation Required to Rebut Presumption of Nonresident Status:** The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The burden of rebutting the presumption that the student is in Utah for educational reasons, and of establishing that he or she is in Utah for other than educational purposes, is upon the student. A student may be required to file any or all of the following within applicable timelines established by the institution.~~

~~5.2.1. — A statement from the student describing employment and expected sources of support;~~

~~5.2.2. — A statement from the student's employer;~~

~~5.2.3. — Supporting statements from persons who might be familiar with the family situation;~~

~~5.2.4. — Birth certificate;~~

~~5.2.5. — Marriage certificate;~~

~~5.2.6. — Documentation of eligibility for state social or rehabilitation services;~~

~~5.2.7. — Documentation of immigration status and placement as political refugee;~~

~~5.2.8. — Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.~~

~~**5.3. — Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall~~

~~be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.~~

#### **R512-6. — Exceptions to Requirements of Domicile—Resident Student Status Based on Special Circumstances**

~~**6.1. Job Corps Students:** A Job Corps student is entitled to resident student status if the student: (A) is admitted as a full time, part time, or summer school student in a program of study leading to a degree or certificate; and (B) submits verification that the student is a current Job Corps student. Upon the termination of Job Corps enrollment/participation, the individual is governed by the standards applicable to non-Job Corps persons. The time spent residing in Utah during Job Corps enrollments counts toward the one-year time period required for Utah residency for tuition purposes upon termination of Job Corp status.~~

**6.2. Participation in Olympic Training Program:** An athlete who resides in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident status for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.<sup>2</sup> Upon the termination of the athlete's participation in such training program, the athlete shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the one-year time period required for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.

#### **6.3. Membership of an American Indian Tribe**

**6.3.1. —** An American Indian, not otherwise qualified as a resident, shall be entitled to resident student status if he/she is

**6.3.1.1. —** enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah; or

**6.3.1.2. —** a member of a federally recognized or known Utah tribe and has graduated from a Utah high school.

**6.3.2. —** A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

**6.4. Member of Utah National Guard:** A person is entitled to resident student status if the person: (a) is admitted as a full time, part time, or summer school student in a program of study leading to a degree or certificate; and (b) submits verification, in the form of either an enlistment contract or "orders of unit assignment," that he or she is an

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<sup>2</sup>The address for the United States Olympic Committee is as follows: Sports Performance Dept., USOC, 1 Olympic Plaza, Colorado Springs, Colorado 80909-5760.



active member of the Utah National Guard. Upon the termination of Utah National Guard enlistment or duty, the individual is governed by the standards applicable to non-Utah National Guard persons. Any time spent residing in Utah counts toward the one-year time period required for Utah residency for tuition purposes upon termination of Utah National Guard status.

**6.4.1.** ——— A member of the Utah National Guard shall be considered to maintain continuous Utah residency under this section for the length of time that he or she maintains membership in the Utah National Guard.

**6.4.2.** ——— A member of the Utah National Guard who performs active duty service outside the state of Utah shall be considered to maintain continuous Utah residency under this section.

**6.5. Active Duty United States Armed Forces Personnel Who are Residents of Other States but Stationed in Utah:** Personnel of the U.S. Armed Forces, who are residents of another state, but who are assigned to active duty in Utah or members of a reserve component of the United States Armed Forces assigned to Utah, together with the immediate members of their families residing with them in Utah, are entitled to resident student status for tuition purposes during the time they are stationed in Utah on active duty. The student shall complete the institutional certification form and provide a copy of the military orders assigning the military personnel to active duty in Utah.

**6.6. Children of Active Duty, United States Armed Forces Personnel:** A child of a United States military person assigned to active duty shall be granted resident student status for tuition purposes if the child produces one of the following: the military parent's United States active-duty military identification card; the child's United States active-duty military identification and privilege card; or a statement from the military parent's current company commander stating that the military parent is on active duty. Also, the child must produce the military parent's state of legal residence certificate with Utah listed as the military parent's home of record.

**6.7. Receipt of State Social Services Benefits:** A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent domiciled in Utah during the time the individual received government aid shall count towards the one-year time period for Utah residency for tuition purposes upon termination of the government aid

**R512-7. Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition.** The following students who attend a USHE institution may receive a waiver of nonresident tuition under Regents' Policy R513; however, these students may not use time spent in Utah as a student on any of these programs toward the waiting period required for resident tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

**7.1. Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state.<sup>3</sup>

**7.2. Western Regional graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

**7.3. Professional Student Exchange/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange/WICHE Program is considered to be domiciled in his/her home state.<sup>4</sup>

**7.4. Exemption for Alumni Legacy Scholarships:** The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state.<sup>5</sup>

**7.5. Dixie State College of Utah's Good Neighbor Students:** The students attending DSC under this scholarship are considered to be domiciled in his/her home state.<sup>6</sup>

#### **R512-8. General Provisions**

**8.1. Reclassification by the Institution:** If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the USHE institution.

#### **8.2. Reciprocity:**

**8.2.1.** A determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

**8.2.1.1.** the student obtained resident student status under false pretenses, or

**8.2.1.2.** the facts existing at the time of the granting of resident student status have significantly changed.

**8.2.2.** The USHE institution to which a resident student transfers may initiate a reclassification inquiry (see R512-8.1) and in fact reclassify the student based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of a USHE institution.

#### **R512-9. Procedures for Determining Resident Status**

<sup>3</sup> See Regents' Policy R513-8 for further details regarding WUE.

<sup>4</sup> See Regents' Policy R513-8 for further details regarding WICHE.

<sup>5</sup> See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.

<sup>6</sup> See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.



**9.1. Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

**9.2. Initial Classification:** Each institution shall classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.

**9.3. Application for Reclassification:** Every student classified as a nonresident shall retain that status until he/she is officially reclassified to resident status.

**9.4. Informal Discussion with Responsible Officer:** If a written application for a change from nonresident to resident classification is denied, the applicant shall have the right to meet with the responsible officer for the purpose of submitting additional information and discussing the merits of his/her application.

**9.5. Appeals:** An applicant for resident status may appeal an adverse ruling in accordance with procedures approved by the institutional Board of Trustees. The appeal tribunal shall make an independent determination of the issues presented upon the basis of such oral and written proofs as may be presented, and shall finally determine the status of the applicant consistent with the law and these policies.

**9.6. Due Process:** In order to provide due process to students who may want to appeal decisions made concerning nonresident status, each institution shall be responsible for providing a means for appeals to be made. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed.

**9.6.1.** Procedures for appeal shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.

**9.6.2.** The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.

**9.6.3.** The student appealing the decision shall have the responsibility of providing evidence that proves that he/she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision maker who previously ruled that the student was classified as a nonresident.

**9.6.4.** Both the student and the administration's representative are entitled to representation by counsel.

**9.6.5.** Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

~~9.6.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.~~

~~9.6.7. Decisions of the appeals tribunal must be in writing and must give reasons for the decision.~~

~~9.6.8. **Refund:** A ruling favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.~~



# R512, Determination of Resident Status<sup>1</sup>

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**R512-1. Purpose:** To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

## R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. Policy and Procedure R510, Tuition and Fee Policy
- 2.7. Policy and Procedure R513, Tuition Waivers & Reductions

## R512-3. Definitions

3.1. **“Continuous Utah residency status for one full year”** means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2. **“Domicile”** shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s:

- (1) bodily presence, and
- (2) concurrent intent to reside permanently in that location.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.3. **“Immediate family member”** means the spouse or unmarried dependent child of the individual requesting resident student status.

3.4. **“Military Servicemember”** means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard

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<sup>1</sup> Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, and May 18, 2012.

- 3.5. **“Military veteran”** means an individual who:
  - 3.5.1. has served on active duty:
    - 3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or
    - 3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or
    - 3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.
- 3.6. **“Parent”** means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.
- 3.7. **“Preponderance of the evidence”** means the existence of a fact is more probable than its nonexistence.
- 3.8. **“Resident student status”** means the condition of being a resident student for tuition purposes.
- 3.9. **“Substantial evidence”** means evidence that is more than a mere preponderance and is definite, clear, and convincing.
- 3.10. **“Utah residency”** means residing in Utah.
- 3.11. **“USHE institution”** means an institution within Utah’s system of higher education.

**R512-4. Resident Student Status**

- 4.1. **Establishing Resident Student Status.** A student will be granted resident student status after he or she
  - 4.1.1. has acquired domicile in Utah; or
  - 4.1.2. has satisfied one or more of the exceptions set forth in this policy.
- 4.2. **Policies for Determining Resident Student Status.**
  - 4.2.1. **Policies for Students Enrolled in Credit-Bearing Degree Programs.** Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code Ann. §53B-8-102 and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.



**4.2.2. Policies for Students Enrolled in Non-Credit Programs.** Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

**4.2.3. Exception to Establishing Resident Student Status:** Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

**4.3 Rebuttable Presumption.** A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

**4.4 International Students:**

**4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas:** Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

**4.4.2. Classification of International Students Who are in United States on Immigrant Visas:** Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

**4.4.3. Foreign National Students Who Are Legally Admitted in the United States:** A student shall be exempt from paying the nonresident portion of total tuition if the student:

**4.4.3.1.** is a foreign national legally admitted to the United States;

**4.4.3.2.** attended high school in this state for three or more years; and

**4.4.3.3.** graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Example: A student who is an American Indian born in Canada (with at least 50% American Indian blood) cannot be denied admission to the United States and may enter the United States legally without obtaining a visa. If the student attends high school in Utah for three or more years and graduates from a Utah high school or received the equivalent of a high school diploma in this state, the student is eligible for resident student tuition. (However, if the student desires to reside permanently in the United States, he or she may apply for a green card after having created a record of admission for permanent residence. Once the green card is received, the student is eligible for resident student status if the criteria for resident student status are met.)

Example: A foreign national student who is placed involuntarily in Utah as part of a United States or Utah government relocation program for foreign refugees fleeing civil war, religious or racial persecution, political oppression, or other legitimate reason is eligible for resident student tuition if the student attends high school in Utah for three or more years and graduates from a Utah high school or received the equivalent of a high school diploma in this state.

**4.5. Other Students Who Are Exempt From Paying Nonresident Portion of Total Tuition:**

If allowed by federal law, a student, other than a nonimmigrant student within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United State Code (see Section 4.4.1. of this policy), shall be exempt from paying the nonresident portion of total tuition if the student:

- 4.5.1. attended high school in this state for three or more years;
- 4.5.2. graduated from a high school in this state or received the equivalent of a high school diploma in this state;
- 4.5.3. registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year; and
- 4.5.4. if the student is without lawful immigration status, files an affidavit with the USHE institution stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so; and
- 4.5.4. the student has not registered for college classes prior to the Fall of the 2002-03 academic school year.

**4.6. Marriage to Utah Resident:** A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

**4.7. Burden of Proof:** The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

- 4.7.1. A statement from the student describing employment and expected sources of support;
- 4.7.2. A statement from the student's employer;
- 4.7.3. Supporting statements from persons who might be familiar with the family situation;
- 4.7.4. Birth certificate;



- 4.7.5. Marriage certificate;
- 4.7.6. Documentation of eligibility for state social or rehabilitation services;
- 4.7.7. Documentation of immigration status and placement as political refugee;
- 4.7.8. Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

**4.8. Receipt of State Social Services Benefits:** A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count towards any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.

**4.9. Reciprocity:** The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

- 4.10.1. the student obtained resident student status under false pretenses, or
- 4.10.2. the facts existing at the time of the granting of resident student status have significantly changed.

**4.10. Reclassification by the Institution:** If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the USHE institution.

**4.11. Procedures for Determining Resident Student Status:** If a student desires to be granted resident student status, he or she must comply with the following procedures:

- 4.11.1. **Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.
- 4.11.2. **Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.
- 4.11.3. **Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.

**4.11.4. Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

**4.11.5. Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

**4.11.5.1.** Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.

**4.11.5.2.** The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.

**4.11.5.3.** The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.

**4.11.5.4.** Both the student and the administration's representative are entitled to representation by counsel.

**4.11.5.5.** Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

**4.11.5.6.** It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

**4.11.5.7.** Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

**4.12. Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

**4.13. Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.

**4.14. Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition:** The following students who attend a USHE institution may receive a waiver of nonresident tuition under Regents' Policy R513; however, these students may not use time spent in Utah as a student on any of



these programs toward the waiting period required for resident tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

- 4.14.1. Western Undergraduate Exchange (WUE) Students: A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)
- 4.14.2. Western Regional graduate Program (WRGP): A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.
- 4.14.3. Professional Student Exchange/WICHE Students: A student attending a USHE institution under the Professional Student Exchange/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)
- 4.14.4. Exemption for Alumni Legacy Scholarships: The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)
- 4.14.5. Dixie State University's Good Neighbor Students: The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

**R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.**

5.1. **General Rule:** A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the term the student seeks to attend as a resident student, the student has:

- 5.1.1. maintained continuous Utah residency status for one full year;
- 5.1.2. submitted a written declaration that the student has relinquished residency in any other state;
- 5.1.3. submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and
- 5.1.4. submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see section 4.12 above).

5.2 **Evidence Required:** Students applying for resident student status under this section are expected to submit as much objective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following:

- 5.2.1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
- 5.2.2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.3. A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.6. Proof of payment of Utah resident income tax for the previous year;
- 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status ; and
- 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

**5.3. Absence from state:** A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, required by the institution the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has been granted resident student status, any future absence from the state will not negatively affect his or her resident student status.

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

Example: After being granted resident student status, a student may be absent from the state for purposes such as temporary employment, education, religious, charitable, or military service and continue to be considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

**R512.6. "Military Service" Exception to Establishing Resident Student Status.**

- 6.1. A USHE institution shall grant resident student status for tuition purposes to:



- 6.1.1.** a military servicemember, if the military servicemember provides:
  - 6.1.1.1.** the military servicemember's current United States military identification card; and
  - 6.1.1.2.** a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned to Utah.
- 6.1.2.** a military servicemember's immediate family member, if the military servicemember's immediate family member provides one of the following:
  - 6.1.2.1.** the military servicemember's current United States military identification card; or
  - 6.1.2.2.** the immediate family member's current United States military identification card and a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah.
- 6.1.3.** a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:
  - 6.1.3.1.** evidence of an honorable or general discharge;
  - 6.1.3.2.** a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;
  - 6.1.3.3.** objective evidence that the military veteran has taken overt steps to relinquish in any other state and establish residency in Utah, which may include any one of the following:
    - 6.1.3.3.1.** a Utah voter registration card;
    - 6.1.3.3.2.** a Utah driver license or identification card;
    - 6.1.3.3.3.** a Utah vehicle registration;
    - 6.1.3.3.4.** evidence of employment in Utah;
    - 6.1.3.3.5.** a rental agreement showing the military veteran's name and Utah address; or
    - 6.1.3.3.6.** utility bills showing the military veteran's name and Utah address.
- 6.1.4.** a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:
  - 6.1.4.1.** evidence of the military veteran's honorable or general discharge within the last five years;

**6.1.4.2.** a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

**6.1.4.3.** objective evidence that the military veteran's immediate family member has taken overt steps to relinquish residency in any other state and establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

**R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.**

**7.1.** Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah is entitled to be granted resident student status.

**7.2.** Any American Indian who is a member of a federally recognized or known Utah tribe and has graduated from a Utah high school is entitled to be granted resident student status.

**7.3.** A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

**R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.**

**8.1.** A Job Corps student is entitled to resident student status if the student:

**8.1.1.** is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

**8.1.2.** submits verification that the student is a current Job Corps student.

**8.2.** Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in section 4.3 of this policy.

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**R512.9 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.**

**9.1.** A Student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident student status for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

**9.2.** Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy.

**R512.10 "Parent Domiciled in Utah for at Least 12 Months" Exception to Establishing Resident Student Status.**



10.1. A dependent student who has at least one parent who has been domiciled in Utah for least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for resident student status. The student is responsible to submit the documentation identified in section 4.7 of this policy demonstrating that the parent has established domicile in Utah.

**R512.11 “Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.**

11.1 A student who has come to Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

11.2. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

- 11.2.1. the employee's employment and educational history;
- 11.2.2. the dates when Utah employment was first considered, offered, and accepted;
- 11.2.3. when the person moved to Utah;
- 11.2.4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 11.2.5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
- 11.2.6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
- 11.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

**R512.12 “Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.**

12.1. A student who resides in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on the long-term health care responsibilities.

12.2. All relevant evidence concerning the motivation for the move shall be considered, including:

- 12.2.1. the student's employment and educational history;

- 12.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3. when the student moved to Utah;
- 12.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6. evidence that the student is an independent person who is
  - 13.2.6.1. at least 24 years of age; or
  - 13.2.6.2 not claimed as a dependent on someone else's tax returns; and
- 12.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.