



Western Michigan University
Kalamazoo, MI 49008

Policy No: 05-05

RESIDENCY POLICY

Statement of Policy Western Michigan University's (WMU) governing board has the authority to establish a residency policy for admissions, tuition, and fee purposes. Residency policies vary between institutions and are independent of those used by the State to determine residency for purposes such as income and property tax liability, driving, and voting. WMU's Residency Policy is set forth below.

Summary of Contents/Major Changes: This Policy is amended to incorporate the November 9, 2019, interim residency policy and rates, to clarify the existing residency review process, to address residency status of undocumented individuals, to use the required policy format, and other technical changes.

Responsible Office and Responsible Enforcement Official: Office of the Registrar is the responsible office. The Vice President for Academic Affairs or designee is the Responsible Enforcement Official.

Classification:

- Board of Trustees Policy
- Board-delegated Policy

Categories: Admissions and Financial Aid

History:

- a. Effective date of current version:
 - b. Date first adopted: January 24, 2017
 - c. Revision history: Last revised November 6, 2019
 - d. Proposed date of next review:
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1. Purpose of Policy To set forth the rules for determining in-state residency eligibility for admission, tuition, or fees.

2. Stakeholders Most Impacted by the Policy

Western Michigan University undergraduate and graduate students and prospective students.

3. Key Definitions

3.1. **Admissions:** university offices responsible for admitting students, including the Office of Admissions, International Student and Scholar Services, and the Graduate College

3.2. **Date of Application:** the date on which the Student submits an application for admission

3.3. **Dependent:** as defined by IRS income tax regulations. This term also includes spouse, widow, or widower of a service member or veteran who has honorably served.

3.4. **Domicile:** the place where an individual intends their true, fixed and permanent home and principal establishment to be and to which the individual returns whenever absent from the University

3.5. **Seasonal Farmworker:** a person who currently, or within the past 24 months, was employed for at least 75 days in farm work and whose primary employment was in farm work on a temporary or seasonal basis (i.e., not a constant year-round activity)

3.6. **Migrant Farmworker:** a seasonal farmworker whose employment requires travel that prevents them from returning to their home within the same day

3.7. **Period of Enrollment:** date of first day of class until the date on which it has been more than one year (five consecutive terms) since the Student has been enrolled for at least one credit

3.8. **Student:** all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. For purposes of this Policy only, Student also refers to prospective students and applicants.

3.9. **Resident:** individual domiciled in Michigan

3.10. **Undocumented:** for purposes of this Policy, any applicant who cannot provide documentation to demonstrate lawful presence for eligibility under the in-state residency provisions of this Policy

4. Full Policy Details

4.1. Residency Status

4.1.1. Students generally come to WMU for the primary purpose of attending the University rather than establishing a domicile in Michigan. Therefore, except as indicated below, Admissions will determine a Student's Domicile based on

information provided in the Student's application to the University. This status will not change for the Period of Enrollment associated with the application, except as set forth in Section 4.11.

4.1.2. The burden is on the Student to provide clear and convincing evidence of Domicile.

4.1.3. If Residency Status is unclear based on the application and supporting materials, Admissions will classify the Student as a non-Resident.

4.1.4. Students are responsible for reading this Policy and identifying the proper residency classification on the admissions application.

4.1.5. Undergraduate Residency Status

An undergraduate student who is admitted as a non-Resident may not apply for in-state Residency status for any subsequent semester/session for the duration of that Period of Enrollment.

4.1.6. Graduate Residency Status

4.1.6.1. A graduate Student who has been admitted as a non-Resident for the Summer I 2020 session or earlier may apply for in-state Residency status for any subsequent semester/session for the duration of that Period of Enrollment.

4.1.6.2. A graduate Student who has been admitted as a non-Resident for the Summer II 2020 session or later may not apply for in-state Residency status for any subsequent semester/session for the duration of that Period of Enrollment.

4.2. Residence of Applicant

4.2.1. Absent unusual circumstances, an applicant will be considered a Resident if they can demonstrate twelve consecutive months of physical presence in Michigan immediately preceding the date of application, that they intend to make Michigan a permanent home, and that they have no domicile elsewhere.

4.2.2. If an applicant previously attended WMU as a non-Resident and reapplies for admission for the same degree type within one year (five terms) of their prior enrollment, they will be classified as a non-Resident at the time of readmission. If more than one year (five terms) has passed since the prior enrollment, Residency Status will be based on information provided in the applicant's most recent application to the University.

4.2.3. Upon request, Students must provide documentation to support statements of residency. Types of documentation that may be requested include, but are not limited to, valid state identification card, proof of employment, proof of Michigan personal income taxes being withheld, copies of recent Michigan and federal tax returns, W2 or 1099 forms, or enrollment verification at a Michigan school.

4.2.4. Prior to establishing Residency, leaving the state for the summer or for any length of time longer than a three-week period during the twelve consecutive months prior to application will have a significant negative impact on a claim to Michigan residency.

4.2.5. Admitted Students who leave Michigan for internships, study abroad, etc., for any period longer than three weeks must submit a letter from their college Dean's Office stating the Student was encouraged to participate in the internship or program and it was approved by the college.

4.3. Residence of Parent(s) or Guardian(s)

4.3.1. A Dependent Student is presumed to have the same Residency as their parent(s), regardless of whether the parent is the Student's custodial parent, or legal guardian(s). For students under age twenty-four claiming independence, evidence that the Student is not a Dependent may be required. Such evidence may include copies of the Student's tax returns and/or tax returns from their parent(s) or legal guardian(s).

4.3.2. For Students with a legal guardian(s) who is not the parent(s), the Student must demonstrate that guardianship was established due to complete incapacity or death of their natural parent(s) and that they are a Dependent of their guardian(s). A parent's inability to provide funds necessary to support a college education does not qualify as complete incapacity.

4.3.3. A Dependent Student who is living in Michigan and who is permanently domiciled in Michigan maintains Residency Status if the parent(s) or guardian(s) leaves Michigan if: (1) the Student has completed at least the junior year of high school in Michigan prior to the parent or guardian's departure; (2) the Student remains in Michigan and is enrolled as a full-time Student in high school or an institution of higher education; (3) the Student has not taken steps to establish a domicile outside Michigan; and (4) the Student has not taken any other action inconsistent with maintaining a domicile in Michigan.

4.4. Residence of Spouse

A non-Resident applicant will follow the Residency Status of their spouse if the spouse is currently enrolled and qualifies as a Resident for tuition-paying purposes.

4.5. Michigan High School Enrollment and Graduation

A Michigan high school graduate who completes their senior year at a Michigan high school and who remains physically present in Michigan from the date of high school graduation to the first day of classes of the session for which the Student was admitted qualifies as a Resident Student. Upon request, the Student must provide supporting documentation.

4.6. In-state Tuition for Military and Dependents

- 4.6.1. Individuals who are eligible for Department of Veterans Affairs (VA) educational benefits receive in-state tuition.
- 4.6.2. Individuals who are not eligible for VA educational benefits, but who have honorably served or are serving in the Reserve or Active components of the U.S. Armed Forces, receive in-state tuition.
- 4.6.3. Dependents of individuals who are eligible for VA benefits will be granted Residency.
- 4.6.4. Such individuals must demonstrate proof of eligibility.

4.7. Non-US Citizens

- 4.7.1. International students attending on a Student visa status of F, J or M are in Michigan as nonimmigrants on nonimmigrant student visas. By definition, these students are not able to demonstrate immigrant intent or establish a permanent domicile in Michigan and should not apply for Michigan resident tuition unless they qualify for residency under another provision of this Policy, such as residence of spouse.
- 4.7.2. Non-citizens and their dependents may be eligible to obtain resident status for tuition purposes if they hold status in a “dual intent” visa category or in a category that does not require maintaining a permanent residence outside the US, certain visa-holders under designated treaties, and certain other lawfully present immigrants. To receive in-state tuition, these individuals must still meet the requirements for Residency set forth in this Policy. Individuals will qualify under this classification only if they hold and can provide one of the following upon Date of Application: 1) proof of a pending adjustment of status petition, Permanent Resident Card, or I-551 passport stamp; 2) proof of a pending or approved asylum application or an I-94 card with “Refugee” designation; 3) Deferred Action for Childhood Arrivals (DACA) or withholding of removal; or 4) visa status in following categories: A, E, G, H-1/H-2, I, K, L, O-1/O-3, R, T, TN, U, V.

4.8. Seasonal or Migrant Farmworker

A Seasonal or Migrant Farmworker or their dependent are classified as a Resident if they meet the definition of Seasonal Farmworker, above. Students may also be eligible if they participated in a Chapter 1 Migrant Education Program or the National Farmworker Jobs Program. Students must be lawfully present in the United States and provide proof and verification of employment upon request.

4.9. Undocumented Students

To receive in-state tuition under this Policy, Undocumented students must demonstrate that they attended an accredited Michigan high school for at least three years and thereafter (a)

graduated from an accredited Michigan High School or (b) received a Michigan General Educational Development High School Equivalency Certificate (GED).

4.10. WMU Employees

WMU employees who are eligible to receive WMU retirement contributions and their dependents shall be eligible for in-state tuition rates for any application submitted for an entry term that begins after the date of hire, consistent with existing employee tuition benefits.

4.11. Appeal Process

4.11.1. Any Student who wishes to appeal the decision on their residency application must follow the appeal process established by the Registrar's and Vice Provost's offices.

4.11.2. The Residency Appeals Committee, jointly housed in the Registrar and Provost's Office and consisting of representatives from Academic Affairs, Accounts Receivable, the Graduate College, and the Ombuds' Office as appropriate. All decisions of the Residency Appeals Committee will be final. Failure to comply with established processes constitutes a waiver of all claims to reclassification or rebates for the applicable semester/session. The Residency Appeals Committee will issue its decision in writing and provide a copy to the Student requesting the appeal.

4.11.3. The Vice President of Academic Affairs or Vice Provost for Budget and Personnel may grant residency status based upon the use of professional judgment in applying this Policy.

4.11.4. The Appeals Board will look at evidence including but not limited the following when reviewing appeals:

4.11.4.1. Issuing state of driver license;

4.11.4.2. Previous enrollment in a Michigan primary or secondary education institution;

4.11.4.3. Michigan employment, to include a W-2 or pay stub;

4.11.4.4. Payment of Michigan income or property taxes;

4.11.4.5. Michigan property ownership;

4.11.4.6. Twelve-month or longer lease in Michigan;

4.11.4.7. Presence of relative(s) in Michigan (other than parent(s) for dependent Student); or

4.11.4.8. Utility bill.

4.11.5. No individual criterion is determinative of Residency Status. Instead, the University will evaluate the totality of the circumstances in determining Residency.

4.12. Implementation/Communication

This Policy will be communicated to the respective areas through channels established by the Office of Marketing and Strategic Communications.

5. Accountability

- 5.1. Students who provide false or misleading information, or who intentionally omit relevant information on their admission application or any other document relevant to residency eligibility, may be subject to civil, criminal, and/or disciplinary measures, up to and including dismissal. Admissions and/or residency decisions made based upon misrepresented or falsified information will be revoked.
- 5.2. Failure to follow this Policy and any associated procedures may subject WMU employees to disciplinary action, up to and including dismissal from employment by the University, consistent with applicable procedures and Collective Bargaining Agreements.
- 5.3. Additional consequences for non-compliance may include civil, criminal, and/or disciplinary measures, and/or revocation of residency status.

6. Related Procedures and Guidelines

WMU Residency Regulations [link TBD]

Residency Appeal Form [link TBD]

[WMU Tuition and Fees](#)

7. Additional Information

At such time that there are no longer graduate students who enrolled prior to Summer II 2020, the language in this Policy specifically referring to those groups of students will be repealed.

8. FAQs

8.1. How are DACA or undocumented students classified under this policy?

DACA must meet the qualifications set forth in Section 4.7.2.

Undocumented students must meet the qualifications set forth in Section 4.9.

8.2. How are students with pending applications for asylum or refugee status classified under this policy?

If a Student has a pending asylum or refugee status that meets the criteria under 4.7.2, they may receive in-state tuition if they meet the other residency requirements.

8.3. What do I do if my Residency status changes between application and admission?

Follow the appeal procedures stated in section 4.11 of this Policy. Depending on the circumstances, this could be a valid basis for appeal.

8.4. If I am considered a Resident for tax purposes, does that mean I'm also considered a Resident for purposes of this policy?

No. Federal and state governments have different reasoning for their residency determinations than do Institutions of Higher Education. Michigan public universities have the authority to set their own tuition rates and criteria.

Related Policies:

References:

MICHIGAN LEGISLATURE ACT 48 OF 1963, § 4, [MCL 390.554](#) (1977)

University of Cincinnati, Ohio Residency for Tuition Purposes, at <https://www.uc.edu/about/registrar/personal-info-changes/residency-and-reciprocity.html> (last checked January 1, 2021).

Central Michigan University, Resident Status Policy (Aug. 27, 2018), at <https://www.cmich.edu/ess/registrar/Documents/Records%20Registration/Resident%20Status%20Policy%202018.pdf>.

Central Michigan University, Admissions, Tuition and Scholarships for Non-Citizen, Long-Term US Residents/Undocumented Students, Policy No 7-10 (December 18, 2019), at https://www.cmich.edu/office_president/general_counsel/Documents/p07010.pdf.

Eastern Michigan University, Regulations for Determining In-State Classification (June 22, 2018), at <https://emich.policytech.com/dotNet/documents/?docid=152&public=true>

Grand Valley State University, Residency Regulations, at https://www.gvsu.edu/cms4/asset/0DBA5D42-CF6E-47EE-189D48B651FB2947/gvsu_residency_regulations_revised_03_2015.pdf

Oakland University, Residency Classification, at http://catalog.oakland.edu/content.php?catoid=21&navoid=1683#Residency_classification

Saginaw Valley State University, Residency Requirements, <https://www.svsu.edu/officeoftheregistrar/policiescatalog/residencyrequirements/> (last visited January 12, 2021).

University of Michigan, Residency Guidelines, at <https://ro.umich.edu/tuition-residency/residency> (last visited Feb. 18, 2020).

<https://www.ohio.edu/gcatalog/01-03/reside.htm>

“What Does it Mean to Be Undocumented?” University of Texas at Austin, at (last visited May 2, 2019).

Certified by:
Responsible Enforcement Official

At the Direction of:
The Board of Trustees

/s/
Registrar
[Date]

/s/
Secretary to the Board
[Date]