

****Approved****

REPORT OF THE ACADEMIC AND STUDENT AFFAIRS COMMITTEE

May 24, 2018

AMENDMENT OF REGENTS POLICY 3105: POLICY ON RESIDENCY; RESCISSION OF REGENTS POLICY 3106: POLICY ON WAIVER OF TUITION AND FEES; AND RESCISSION OF STANDING ORDER 110.2: MATTERS RELATING TO RESIDENCY

The Committee recommended that the Regents:

1. Amend and rename Regents Policy 3105: Regents Policy on Residency and Waiver of Tuition and Fees, as shown in Attachment 1 with definitions in Attachment 2, to be effective for residency determinations applicable in the 2019-20 academic year.
2. Rescind Regents Policy 3106: Policy on Waiver of Tuition and Fees effective for residency determinations applicable for the 2019-20 academic year, as shown in Attachment 3.
3. Rescind Standing Order 110.2, as shown in Attachment 4, following service of appropriate notice.

Committee vote: Regents Elliott, Kieffer, Lansing, Mancia, Monge, Napolitano, Newsom, Ortiz Oakley, and Tauscher voting “aye.”

Board vote: Regents Anguiano, Blum, Elliott, Guber, Kieffer, Lansing, Lemus, Makarechian, Mancia, Monge, Napolitano, Newsom, Ortiz Oakley, Park, Sherman, Tauscher, and Zettel voting “aye.”

Additions shown by underline; deletions shown by strikethrough

Proposed amendments to Regents Policy 3105: Policy on Residency

Regents Policy on Residency and Payment or Waiver of Tuition, Non-Resident Supplemental Tuition and Mandatory Systemwide Fees

POLICY SUMMARY/BACKGROUND

As a state-supported institution, the University of California confers on California students the benefit of attending the University at lower cost than students who attend from outside the state. Students classified as California residents are not charged Nonresident Supplemental Tuition (NRST). For most students, determining whether they qualify as a California resident is very straightforward. For a minority of students, the determination requires close examination. State law and University policy authorize some students to be considered California residents based on social policy considerations consistent with the mission of the University even if they don't meet the standard criteria for determining residency. This policy identifies the criteria for being classified as a California Resident (either by meeting standard Residency Requirements or special circumstances residency requirements) or for being classified as otherwise eligible for waiver of NRST. Further details are provided in Residence Policy Guidelines (Guidelines), maintained by the Office of the President (with the assistance of the Office of General Counsel) to facilitate implementation of this policy. Terms that are capitalized in this policy are defined in the Guidelines. This policy is informed by both the California Education Code and financial aid standards issued by the U.S. Department of Education. In light of the combined effect of a Student's Residency Classification and financial aid eligibility on the cost to attend UC and resources available to support attendance, wherever possible, this policy seeks to maximize consistency between University financial aid determinations and Residency Classifications to improve transparency for Students. All references to the California Education Code are for informational purposes only.

POLICY TEXT

- A. **Principles Governing Residency Determinations:** A Student's Classification for purposes of the Student's responsibility for payment of Nonresident Supplemental Tuition ("NRST") as either Resident, Non-Resident or NRST Exempt ("Residency Classification") shall be made based on information provided by the Student before initial Enrollment, upon re-Enrollment, or as may otherwise be required. Each Residency Classification shall be made by authorized University employees on the basis of this Policy and the implementing Guidelines adopted by the President pursuant to this Policy. Consistent with Regents Policy on Admissions Decisions, Residency Classifications shall not be motivated by development considerations or financial, political or other such benefit to the University. The Board recognizes that correspondence or inquiries received from individual Regents or from elected officials may be appropriate, but efforts to inappropriately influence the outcome of individual residency classifications are not.
- B. The burden is on each Student to demonstrate eligibility for classification as a resident or as NRST Exempt. A Student initially classified as a nonresident will retain that status

unless and until the Student is deemed eligible for Resident Classification or an NRST Exempt Classification in a subsequent quarter or semester. A Student initially classified as a Resident who becomes a Non-Resident by virtue of acts of the Student or a Qualifying Individual is required to notify the Student's campus registrar immediately.

C. The University may request that information submitted by a Student or a Qualifying Individual to support a Resident Classification or NRST Exempt Classification be sworn under penalty of perjury. The University may reconsider a Resident Classification or NRST Exempt Classification upon good cause. Where a Resident Classification or NRST Exempt Classification is found to have been based on inaccurate or incomplete information, the University may:

1. bill the Student for NRST for periods of previous Enrollment in which NRST was not charged;
2. hold a Student's registration until full payment of amounts due has been received;
3. hold release of Student records until full payment of amounts due has been received;
4. notify appropriate regulatory agencies;
5. initiate discipline under the Policy on Student Conduct and Discipline ("PACAOS 100");
6. impose an administrative penalty no greater than the amount of NRST for each affected quarter or semester where a Student, Parent, or Qualifying Individual intentionally misrepresented or withheld relevant information, and/or
7. pursue any civil, criminal or other remedies that may be appropriate under the circumstances.

I. Residency Classifications and Tuition Policy

A. Each Student shall be charged Nonresident Student Tuition except as provided in this policy. A Student shall not be subject to payment of NRST if the Student and one Parent (or other Qualifying Individual, as applicable):

1. satisfy the Residency Requirements identified in Section B below; or
2. demonstrate(s) at least one of the special circumstances warranting a Resident Classification identified in Section D below; or
3. otherwise demonstrate(s) eligibility for exemption from payment of NRST as identified in Section E below.

B. Residency Requirements. A Resident Classification at the University of California shall be granted where the Student and one Parent or other Qualifying Individual as applicable demonstrate that they have established a primary and permanent home in California by providing evidence that they satisfy the following Residency Requirements:

1. Physical Presence: Continuous physical presence in California for more than one year immediately before the Residence Determination Date, as further defined and explained in the Guidelines. Physical presence in California solely for

educational purposes does not constitute the establishment of California residence, regardless of length of stay. The impact of absences from California on a Student's Residency Classification shall be addressed in the Guidelines.

2. Intent: Except as otherwise provided in the Guidelines, intent for more than one year immediately before the Residence Determination Date to make a primary and permanent home in California, as demonstrated by indicia of intent identified in the Guidelines.

Evidence to demonstrate satisfaction of Residency Requirements for Students (and, where relevant, Parents or other Qualifying Individuals) who are not U.S. citizens or permanent residents are addressed in the Guidelines.

C. Who Must Satisfy Residency Requirements:

1. Student and Qualifying Individual: Except as provided in Subsection 2, undergraduates who will not reach the age of 24 by December 31 of the academic year for which Resident Classification is sought must demonstrate that the Student and a Parent (or other Qualifying Individual as applicable) satisfy the Residency Requirements.
2. Student Alone: The following Students may demonstrate satisfaction of the Residency Requirements on their own without regard to information about a Parent or other Qualifying Individual:
 - a. Graduate Students, regardless of their age;
 - b. Undergraduates who have reached the age of 24 by December 31 of the academic year for which Resident Classification is sought;
 - c. Undergraduates who are married as of the Residence Determination Date, regardless of their age;
 - d. Undergraduates who otherwise meet the independence standard for purposes of eligibility for federal financial aid; and
 - e. Undergraduates who demonstrate that they have been Self-Supporting for at least one year before the Residence Determination Date according to criteria set forth in the Guidelines.

D. Special circumstances resident classification: A Resident Classification (or Contingent or Limited Duration Resident Classification, as specified below) at the University of California shall be granted where a Student demonstrates any of the following Special Circumstances:

1. Student Member of the U.S. Armed Forces: A Student who is a member of the U.S. Armed Forces stationed in California on active duty, except if assigned for educational purposes, is eligible for a Contingent Resident Classification. Such a Student may retain a Contingent Resident Classification if the Student is transferred outside of California pursuant to military orders, so long as the

Student remains continuously enrolled at a California public post-secondary institution. See section 68075.

2. Student Dependent of Member of the U.S. Armed Forces: A Student who is a dependent of a member of the U.S. Armed Forces stationed in California on active duty is eligible for a Contingent Resident Classification. Such a Student may retain a Contingent Resident Classification if the member of the armed forces is transferred outside of California pursuant to military orders, or retires from the armed forces, so long as the Student remains continuously enrolled at a California public post-secondary institution. See section 68074.
3. Ward of the Court: A Student who resides in California and who is currently a dependent or ward of the state through California's child welfare system, or was a dependent or ward of the state and is no longer being served either due to emancipation or aging out of the California child welfare system, is eligible for a Resident Classification. See section 68085.
4. Non-Resident Dependent of a California Resident: A Student who does not satisfy the Residency Requirements but who has a Parent who both satisfies the Residency Requirements and either claimed the Student as a tax dependent or continually contributed court-ordered child support for the Student during the one year immediately before the Residence Determination Date shall be eligible for a limited duration Resident Classification for one academic year. Such a Student may thereafter be eligible to receive a Resident Classification if the Parent continues to satisfy the Residency Requirements and the Student demonstrates timely satisfaction of the Residency Requirements. See section 68076.
5. Student Under Care of An Adult Qualifying Individual Other than a Parent: An undergraduate Student who was under the continuous direct care and control of an adult Qualifying Individual other than a Parent for at least two years before reaching the age of 19 is eligible for a Resident Classification when both the Student and Qualifying Individual(s) demonstrate that they met the Residency Requirements for more than one year immediately before the Residence Determination Date. See section 68073.
6. California Public School Teacher: A Student who is employed by a California school district in a full-time position requiring certification qualifications shall be eligible for a contingent Resident Classification while completing course work to meet credential requirements according to the additional conditions set forth in the Guidelines. See section 68078.
7. Graduate of Bureau of Indian Affairs School: A Student who is a graduate of a school located in California run by the United States Bureau of Indian Affairs is eligible for a Resident Classification. See section 68082.

8. Amateur Student Athlete Training at a U.S. Olympic Training Center: A Student who is an amateur student athlete training at a U.S. Olympic Training Center in California is eligible for a limited duration Resident Classification for one academic year. Such a Student may thereafter be eligible to receive a Resident Classification if the Student demonstrates timely satisfaction of the Residency Requirements. See section 68083.
 9. Refugees / Victims of Trafficking, Domestic Violence or Other Crimes: A Student who has been classified as a refugee, as specified in the Guidelines, or who holds a visa provided for victims of trafficking, domestic violence or other serious crimes (any “T” or “U” visa) is eligible for a limited duration Resident Classification for one academic year. Such a Student may thereafter be eligible to receive a Resident Classification if the Student demonstrates timely satisfaction of the Residency Requirements.
 10. University / Laboratory LLC Employees: An individual who is a full-time employee of the University assigned to work outside the state of California or a full-time employee of an LLC holding a contract to manage a university laboratory, as well as the dependent spouse, registered domestic partner or Child of such an individual, shall be eligible for a contingent Resident Classification. The Contingent Resident Classification shall expire at the end of any quarter or semester in which the Qualifying Individual no longer has an employment relationship that qualifies the Student for this contingent Resident Classification.
 11. Dependent of Member of Academic Senate: A Student who is the spouse or registered domestic partner or unmarried dependent Child of a member of the University faculty who is a member of the Academic Senate shall be eligible for a Resident Classification. See section 68078.
- E. Students Exempt from Payment of NRST (“NRST Exempt”): A Student who does not qualify for a Resident Classification under Section B or D above may nonetheless be eligible for exemption from payment of NRST under the following circumstances:
1. “AB 540”: A Student who qualifies under the provisions of section 68130.5 of the California Education Code (commonly known as AB 540) is eligible for an NRST Exempt Classification.
 2. Student Discharged from U.S. Armed Forces: Subject to limitations set forth in the Guidelines, a Student who was a member of the U.S. Armed Forces stationed in California on active duty for more than one year immediately prior to being discharged is eligible for NRST Exempt Classification for one academic year so long as the Student files an affidavit stating the Student’s intent to establish California residence at the time the Student seeks the NRST Exempt Classification. The one year NRST Exemption must be used within two years of being discharged. Such a Student may thereafter be eligible to receive a Resident

Classification if the Student demonstrates timely satisfaction of the Residency Requirements. See Education Code section 68075.5.

3. Federal Law Addressing Veteran Higher Education Access: A Student who meets the definition of “covered individual” in section 702 of the U.S. Veterans Access, Choice and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. §3679(c)) or the eligibility requirements of the U.S. Higher Education Opportunity Act (20 U.S.C. §1015d) (or any other federal law addressed in the Guidelines regarding access to higher education for veterans of the U.S. Armed Forces) is eligible for an NRST Exempt Classification.

II. Tuition / Mandatory Systemwide Fee Policy

Each Student shall be charged Tuition and other Mandatory Systemwide Fees except where they demonstrate any of the following circumstances, subject to further details in the Guidelines:

1. Recipient of Congressional Medal of Honor: A Student who has a Resident Classification and received or is the Child of someone who received the Congressional Medal of Honor and satisfies all requirements set forth in the Guidelines is eligible for exemption from payment of Tuition and Mandatory Systemwide Fees. See section 66025.3.
2. Student Dependent of Deceased or Disabled Veteran/CA National Guard: A Student who has a Resident Classification and who is the Child or dependent or surviving spouse or registered domestic partner (who has not subsequently married or registered as a domestic partner) of a deceased or disabled veteran or member of the California National Guard who was killed or permanently disabled while in active service of the United States Military or California National Guard, shall be exempt from payment of Tuition and Mandatory Systemwide Fees so long as the Student satisfies all requirements set forth in the Guidelines. See section 66025.3.
3. Student Survivor of Law Enforcement or Fire Suppression Personnel: An undergraduate Student who is the surviving spouse or registered domestic partner or Child of a California resident whose principal duties consisted of active law enforcement service or active fire suppression and prevention and who was killed on active duty shall be exempted from Tuition and Mandatory Systemwide Fees. See section 68120.

COMPLIANCE/DELEGATION

The President or designee, in consultation with the General Counsel, or designee, is authorized to adopt and amend implementing Guidelines consistent with this policy. The President or designee may delegate responsibility for applying and implementing this policy.

NO RIGHT OF ACTION

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.

Regents Policy 3105: Policy on Residency

Approved March 29, 2012

1. ~~The residence of each student at the University of California shall be determined in accordance with rules governing residence as set forth below. (All statutory references herein, unless otherwise noted, are to the California Education Code.)~~
 - A. ~~Legislative Matters: Legislative intent, Legal action, and Applicability to the University: as provided in Sections 68000, 68133, and 68134.~~
 - B. ~~Residence Procedures: Student classification; Information and evidence concerning residence; Oath or affirmation; Person administering oath or affirmation; Nonresident not obtaining residence as a result of maintaining continuous attendance; and Nonresident tuition: as provided in Sections 68040-68043, and 68050.~~
 - C. ~~Residence Definitions: "Institution"; "District"; "District governing board"; "Governing board"; "Parent"; "Student"; "Continuous attendance"; "Resident"; "Nonresident"; "Resident classification"; "Residence determination date": as provided in Sections 68011-68012, 68014-68018, and 68022-68023.~~
 - D. ~~Physical Presence and Intent: Every person has a residence; Residence of persons who are married or 18 years of age; Determination of place of residence: as provided in Sections 68060-68062.~~
 - E. ~~Financial Independence: Rules and regulations concerning student's classification:
 1. ~~As provided in Section 68044, but excluding the words "classified as a nonresident seeking reclassification" from Paragraph 1 and substituting the words "seeking classification," and excluding Paragraph 3 of Section 68044.~~
 2. ~~In addition to the provisions of Section 68044, as amended by this policy, a student shall be considered financially independent if the applicant:
 - a. ~~is at least 24 years of age by December 31 of the year the applicant requests residence classification;~~
 - b. ~~is a veteran of the U.S. Armed Forces;~~
 - c. ~~is a ward of the court or both parents are dead;~~
 - d. ~~has legal dependents other than a spouse or registered domestic partner;~~
 - e. ~~is married, or in a registered domestic partnership, or a graduate student or professional student, and will not be claimed as an income tax deduction by any individual other than his or her spouse or domestic partner for the tax year immediately preceding the request for residence classification; or~~
 - f. ~~is a single undergraduate student, and was not claimed as an income tax deduction by his or her parents or any other individual for the two years immediately preceding the request~~~~~~

for residence classification, and demonstrates self-sufficiency for two years. The two years used to demonstrate self-sufficiency are the two years immediately preceding the request for residence classification.

2. Each nonresident student at the University shall pay a nonresident tuition fee for each term of attendance at the University, except that such fee, with the approval of the President of the University, may be remitted or waived in whole or in part in the case of any student who qualifies as a graduate student with a distinguished record, a foreign student, a teaching assistant or teaching fellow, or a research assistant; or in the case of a nonresident student who is an unmarried dependent son or daughter under age twenty-one, or a spouse or registered domestic partner, of a member of the University faculty who is a member of the Academic Senate.
3. The following exceptions shall grant students a resident classification for purposes of tuition and fees:
 - A. Minor under age 18 who is a student who remains in California after his or her parent moves elsewhere; Self-supporting student; Minor who has not been an adult more than one year preceding residence determination date; Student under care of adult: as provided in Sections 68070-68073.
 - B. Dependent of member of the Armed Forces; Member of Armed Forces; Armed Forces members; Remaining in state following discharge: as provided in Sections 68074-68075.5.
 - C. Dependent of California resident of more than one year; Parent residing in California for one year and contributing court-ordered support for student: as provided in Section 68076.
 - D. Graduate of California school operated by the United States Bureau of Indian Affairs: as provided in Section 68077.
 - E. Student holding credential; Other conditions: as provided in Section 68078.
 - F. Amateur student athlete in training at a U.S. Olympic Training Center: as provided in Section 68083.
 - G. Student 19 years of age or under; Current or former dependent or ward of state: as provided in Section 68085, amended to read: "Notwithstanding any other provisions, a student who resides in California and is 19 years of age or under at the time of enrollment, and who is currently a dependent or ward of the state through California's child-welfare system, or was served by California's child-welfare system and is no longer being served either due to emancipation or aging out of the system, shall be entitled to a resident classification as long as he or she remains continuously enrolled."

Definitions of Terms used in the Proposed Amended Regents Policy on Residency

The following is a subset of definitions in the Residence Policy Guidelines, which are published by the Office of the President for the campuses to use in implementing the Regents Policy on Residency. The terms defined here appear in the proposed amended Regents Policy on Residency (Attachment 1).

Term	Definition
Adult	Any person who is 18 years of age or older
Child/Children	A natural or adopted son or daughter. The term “child” does not include stepchild unless expressly noted.
Contingent Resident Classification	A California resident classification that is contingent on factors other than residency requirements as specified in Regents Policy
Enrollment	The date the student has actually signed up for classes, or the date the student’s fees are paid, whichever occurs first.
Graduate Student	Includes graduate academic students, graduate professional degree students, and students enrolled in a teacher credential program.
Mandatory Systemwide Fees	Uniform fees assessed to all registered students; fees under this definition include Tuition, the Student Services Fee, and any other mandatory fees that may be adopted.
Nonresident Supplemental Tuition (NRST)	The university-wide mandatory charge assessed across all campuses of the University against each student who has not obtained a resident classification or an NRST exempt classification

NRST Exempt Classification	A classification provide to students who have demonstrated that they are not subject to payment of NRST in accordance with the Regents Policy on Residency.
Parent	The natural or adoptive father or mother or, if both parents are deceased, the legal guardian with whom a minor resides. The term “parent” does not include step-parents or foster parents, unless expressly noted.
Qualifying Individual	An adult whose presence, intent, or other relevant characteristics contribute to a student’s classification as resident, nonresident, or NRST-exempt. While a qualifying individual is typically a student’s parent, other individuals may also be a qualifying individual.
Residence Determination Date (RDD)	The day instruction begins for the term.
Residency Classification	Classification that determines whether a student is charged nonresident supplemental tuition. Residency classifications include: resident, resident who satisfies special circumstances, nonresident exempt, and nonresident.
Resident Classification	The residency classification associated with being a California resident and that results in no nonresident supplemental tuition being charged
Residency Requirements	The standards of physical presence and intent needed to establish classification as a resident
Self-Supporting	The ability to totally support oneself financially without support or assistance from others
Student	A person applying for admission, admitted to, or enrolled at the University of California
Tuition	A universitywide mandatory charge assessed against each student (resident and nonresident) uniformly across all campuses of the University

Additions shown by underscoring; deletions shown by strikethrough

Proposed Changes to Regents Policy 3106: Policy on Waiver of Tuition and Fees

1. ~~The University of California shall exempt students from tuition and/or fees or waive tuition and/or fees, as set forth below. (All statutory references herein, unless otherwise noted, are to the California Education Code.)~~
 - A. ~~Tuition and fees excused; Surviving spouses or children of employed or contracted law enforcement and fire suppression personnel: a student who is the surviving spouse or registered domestic partner or child of a resident law enforcement officer or fire fighter killed on active duty shall be exempted from nonresident tuition and mandatory systemwide fees in accordance with Section 68120.~~
 - B. ~~Dependents, children, or surviving spouse of deceased or disabled veterans: a student who is the child or dependent of a deceased or disabled veteran, or who is the dependent of or the surviving spouse who has not remarried or registered domestic partner (who has not subsequently married or registered as a domestic partner) of any member of the California National Guard who was killed or permanently disabled while in active service of the state, shall not be exempted from nonresident tuition fees, but may be exempted from mandatory systemwide fees in accordance with Section 66025.3.~~
 - C. ~~Nonresident tuition at California State University and California Community Colleges; Payment exemptions; Requirements: as provided in Section 68130.5 (AB 540).~~
 - D. ~~Students who have obtained a "T" or "U" nonimmigrant visa and otherwise would meet the requirements of Section 68130.5 shall be exempt from paying nonresident tuition at the University until they are eligible to establish a resident classification pursuant to Regents Policy 3401.~~
 - E. ~~In the case of out-of-state employees and non-University employees at Los Alamos and Lawrence Livermore National Laboratories (LANL and LLNL):~~
 1. ~~An individual who is a full-time University employee assigned to work outside the State of California, or the dependent child, spouse, or registered domestic partner of such an employee, shall be entitled to resident classification for tuition purposes.~~
 2. ~~So long as the University continues to participate as a member of a limited liability company holding the contract for the management of LANL or LLNL, an individual who is an employee of such company, or a dependent child, spouse, or registered domestic partner of such an employee, shall be entitled to resident classification for tuition purposes to the same extent as if the employee were an employee of the University assigned to work outside of California.~~
 3. ~~An individual who is a full-time employee of the University assigned to work at LANL or elsewhere outside of California, or who is a full-time employee of a company described in (2) above in which the University is a principal, and who transfers without a break in service to full-time University employment within the State of California, shall be entitled to resident classification for tuition purposes. Any dependent child, spouse~~

~~or registered domestic partner of such an employee also would be entitled to resident classification for tuition purposes.~~

~~4. An individual who is a full-time University employee at LANL or LLNL, or any dependent child, spouse or registered domestic partner of such an employee, and who is enrolled as a student in a degree-granting program at a UC campus at such time as the University contract to manage LANL or LLNL expires and the University's participation in the management of LANL or LLNL ceases, shall be exempted from payment of nonresident tuition fees for the remainder of the current quarter or semester.~~

~~F. A student who meets the definition of "covered individual" as defined in federal law in Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) shall be exempt from paying nonresident tuition at the University~~

Additions shown by underscoring; deletions shown by strikethrough

Proposed Changes to Standing Order 110.2: Matters Relating to Residency

~~The Regents shall establish policies governing the determination of California residence for purposes of University of California's tuition and fees and the exemption or waiver of such tuition and fees. The President, in consultation with the General Counsel of The Regents, shall implement such policies by establishing all necessary regulations.~~