



Residency Status Review Committee (Approved by the Board of Trustees)

Major Topics

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I. Introduction

The University is required to determine, pursuant to criteria established by 13 KAR 2:045, each student's residency status (in-state or out-of-state) for purposes of tuition. 13 KAR 2:045 also requires the University to provide for an administrative appeals process to consider student appeals of a residency determination, designate a residency appeals officer, and establish a residency review committee to consider appeals of residency determinations by the residency appeals officer.

II. Application for Change of Residency

- A. The Residency Officer, a member of the Office of the Associate Provost for Enrollment Management, is selected by the Associate Provost for Enrollment Management and serves as the Residency Officer as part of his or her job description.
- B. Application for change of residency classification by a student enrolled in or an applicant to a program at the University shall be made in writing to the Residency Officer in the Office of the Associate Provost for Enrollment Management, Admissions, and Registrar for initial consideration.
- C. Residency determinations shall be based on regulations promulgated by the Council on Postsecondary Education. (KRS 164.030)
- D. The Associate Provost for Enrollment Management will not participate in the initial determination by the Residency Officer.
- E. The decision of the Residency Officer, if adverse to the applicant, may be appealed to the Residency Status Review Committee within fourteen (14) days of the Residency Officer's determination.

III. Residency Status Review Committee – Authority, Membership, and Quorum

- A. The Residency Status Review Committee (Committee) shall consider appeals from students whose requests for change in residency status have been denied by the Residency Officer.
- B. The Committee shall have authority to establish procedural rules consistent with Governing Regulations and approved by the Provost and to schedule meetings.
- C. The Committee is appointed by the President and reports to the Provost.
- D. The Committee pool shall be comprised of nine (9) members:
 - 1. Three (3) members shall be recommended by the Provost from the faculty and staff, who may not be the Residency Officer.
 - 2. Three (3) faculty members shall be from those recommended by the University Senate Council. The University Senate Council shall recommend six (6) faculty members to the President, who will select the members of the Committee from those named on this list.
 - 3. Three (3) members shall be students recommended by the Student Government Association.
- E. The Chair shall be the Associate Provost for Enrollment Management, as an ex officio, nonvoting member. The Chair is responsible for facilitating the meeting and may designate an alternate Chair when necessary.
- F. Faculty and staff members shall have three-year appointments. The student members shall have a one-year appointment. Members may serve consecutive terms.
- G. To hear residency appeals, the Chair of the Committee shall convene from the pool three (3) Committee members, including at least one student. Three (3) members shall be necessary for Committee action, and three (3) members shall constitute a quorum. A majority vote of the Committee members present shall be necessary for any decision.

IV. Residency Status Review Committee – Procedures

- A. The Provost shall provide professional and administrative support for the Committee, including but not limited to recording and preserving the minutes of meetings, processing applications on appeal, and presenting the applications at meetings.
- B. A student may be invited to attend or may request the opportunity to attend a meeting of the Committee that is considering his or her case by contacting the Chair of the Committee.
- C. The student may bring one advisor to the meeting. The role of the advisor shall be limited to providing advice to the student. Even if accompanied by an advisor, a student shall present his or her case and personally respond to inquiries from the Committee. In consideration of the limited role of an advisor and of the compelling interest of the University to expeditiously conclude the matter, a Committee meeting shall not, as a general practice, be delayed due to the unavailability of an advisor.
- D. The Committee shall base its decision on regulations promulgated by the Council on Postsecondary Education. (13 KAR 2:045) The applicant shall be notified in writing as to the Committee's decision on the applicant's appeal.

- E. If the applicant considers the decision of the Committee to be unsatisfactory, the applicant may request a formal residency hearing by contacting the Chair of the Committee in writing within fourteen (14) days after receipt of the written notification.

V. Formal Residency Appeals Hearings

- A. The Provost is authorized to appoint or employ a hearing officer to preside over formal residency hearings and shall arrange a formal hearing on a timely basis. The formal hearing shall include guarantees of due process including the right of a student to be represented by legal counsel and the right of the student to present information and testimony in support of a claim of Kentucky residency. The Hearing Officer shall have the authority to establish procedural rules for hearings. The Residency Office shall have the right to present information to the Hearing Officer.
- B. The Hearing Officer shall make a recommendation to the Provost. The Provost shall decide the appeal and notify the student in writing.
- C. The Office of Legal Counsel shall advise the Residency Officer and the Committee on legal matters, including but not limited to interpretation of the regulations promulgated by the Council on Postsecondary Education, procedural questions, and applicable laws, cases, and regulations, and shall represent the University in formal hearings.
- D. The Residency Review Committee shall submit an annual report on its activities to the Provost.

References and Related Materials

KRS 164.020(8), Powers and duties of council

KRS 164.030, Regulations of council to be followed by state postsecondary educational institutions

13 KAR 2:045, Determination of residency status for admission and tuition assessment purposes

Revision History

6/15/1989, 3/19/1992, 6/11/1996, 9/21/1999, 9/23/2004, 12/13/2005, 3/6/2007

For questions, contact: [Office of Legal Counsel](#)