

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

**SUBJECT: Regulations for Classifying Students In-State and Out-of-State
for the Purpose of Payment of College Fees and Tuition**

EFFECTIVE DATE: July 1, 2000; Revised September 6, 2013

I. Intent

It is the intent that Southwest Tennessee Community College (Southwest) along with other public institutions of higher education in the State of Tennessee, to apply uniform rules, as described in these regulations and not otherwise, in determining whether students can be classified “in-state” or “out-of-state” for fees and tuition purposes and for admission purposes.

II. Definitions – Whenever used in these regulations:

- A. “Public higher educational institution” shall mean a university or community college supported by appropriations made by the Legislature of Tennessee.
- B. “Residence” shall mean continuous physical presence and maintenance of a dwelling place within Tennessee, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- C. “Domicile” shall mean a person’s true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
- D. “Emancipated person” shall mean a person who has attained the age of eighteen years, and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed “emancipated person.”
- E. “Parent” shall mean a person’s father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then “parent” shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student or such unemancipated person.

- F. "Continuous enrollment" shall mean enrollment at a public higher educational institution or institution of this state as a full-time student, as such term is defined by the governing body of said for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such persons need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed continuous notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

III. Rules for Determination of Status

- A. Every person having his or her domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.
- B. Every person not having his or her domicile in this State shall be classified "out-of-state" for said purposes.
- C. The domicile of an unemancipated person is that of his or her parent.
- D. The domicile of a married person shall be determined independent of the domicile of the spouse.
- E. An unemancipated, currently enrolled student shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as his or her enrollment at a public higher educational institution or institutions shall be continuous.

IV. Out-of-State Students who are not Required to Pay Out-of-State Tuition

- A. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in the counties of Desoto or Marshall in Mississippi, or in the counties of Crittenden or Mississippi in Arkansas, shall be classified out-of-state, but admitted without paying out-of-state tuition. Southwest may admit only up to three percent (3%) of the full-time equivalent attendance of the institution with tuition (THEC may adjust the number of non-residents admitted pursuant to this section every three (3) years.) (See T.A.C. 49-8-102) Persons in this category must complete a Waiver of Tuition Request form.
- B. Part-time students who are not domiciled in Tennessee but who are employed full-time in the State shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the

State by more than one employer, resulting in the equivalent of full-time employment.

- C. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.
- D. Dependent children who qualify and are selected to receive a scholarship under the Dependent Children Scholarship Act (TCA 49-4-704) because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition.
- E. Students who are selected to participate in Southwest's Honors Program who are classified out-of-state shall not be required to pay out-of-state tuition.

V. Presumption

Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in Tennessee while enrolled as a full-time student at any public or private higher educational institution in the State, as such status is defined by such institution.

VI. Evidence to be Considered for Establishment of Domicile

If a person asserts that he or she has established domicile in this State, he or she has the burden of proving that he or she had done so. Such a person is entitled to provide the Southwest Tennessee Community College by which he or she seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. Southwest Tennessee Community College will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

VII. Appeal

The Registrar shall be the classification officer of Southwest and as such shall be responsible for initially classifying students "in-state" or "out-of-state." To appeal the initial classification, a student may complete an Application For Residency Classification form and present it along with supporting documentation to the Registrar.

VIII. Effective Date for Reclassification

If a student classified out-of-state applies for in-state classification and is subsequently so classified, his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the last day of registration for the semester.

Source: VP for Student Services & Enrollment Management: 7-1-00; Rev. 9-6-13