



## NOTICE TO NONRESIDENTS OF THE STATE OF OREGON

### Residence Classification Policy and Procedures

In Oregon, as in other states, instruction fees at publicly supported four year colleges and universities are higher for nonresident students than for resident students. Currently, nonresident students are assessed instruction fees that approximate the full cost of instruction.

The current policy used in determining residency seeks to ensure that only bona fide Oregon residents are assessed the resident fee. This policy, as approved by the Oregon Health & Science University Board of Directors, appears below. Only duly authorized admissions officers have authority to apply and interpret these policies and procedures. No other indication or determination of residency by any other institutional office, department, program, or staff represents the official institutional determination of residency.

### Summary of Key Considerations in Determining Classification as a Resident:

1. Establishment of a domicile in Oregon for a period of 12 months or more prior to the beginning of the term for which residency is sought.
2. Financial dependence on an Oregon resident or financial independence.
3. Primary purpose for being in Oregon other than to obtain an education.
4. Nature and source of financial resources.
5. Various other indicia of residency, e.g., ownership of Oregon living quarters, permanent Oregon employment, payment of Oregon income taxes.

### Oregon Health & Science University Residency Policy

### Residency Classification Definitions (02-10-015)

For the purposes of policies 02-10-015 through 02-10-055, the following words and phrases mean:

- (1) "Domicile" denotes a person's true, fixed, and permanent home and place of habitation. It is the place where a person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.
- (2) "Financially independent" denotes a person who has not been and will not be claimed as an exemption and has not received and will not receive financial assistance in cash or in kind of an amount equal to or greater than that which would qualify him or her to be claimed as an exemption for federal income tax purposes by another person except his or her spouse for the current calendar year and for the calendar year immediately prior to the year in which application is made.
- (3) A "dependent" is a person who is not financially independent.

### Determination of Residence (02-10-020)

- (1) All students seeking admission to OHSU academic programs for purposes of admission and instruction fee assessment shall be initially classified as either resident or non-resident by a duly authorized admissions officer. In determining resident or nonresident classification, the primary issue is one of intent. If a person is in Oregon primarily for the purpose of obtaining an education, that person will be considered a nonresident. For example, it may be possible for an individual to qualify as a resident of Oregon for purposes of voting or obtaining an Oregon driver's license and not meet the residency requirements established by these policies.
- (2) An Oregon resident is a financially independent person who, immediately prior to the term for which Oregon residency classification is requested:
  - (a) Has established and maintained a domicile in Oregon of not less than 12 consecutive months; and
  - (b) is primarily engaged in activities other than those of being a college student.
    - (i) A student may be considered primarily engaged in educational activities regardless of the number of hours for which the student is enrolled. However, a student who is enrolled for more than eight hours per semester or quarter shall be presumed to be in Oregon for primarily educational purposes;
    - (ii) Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational.
- (3) An Oregon resident is also a person who is dependent on a parent or legal custodian who meets the Oregon residency requirements of these rules.
- (4) The criteria for determining Oregon residency classification shall also be used to determine whether a person who has

- (5) moved from Oregon has established a non-Oregon residence. If institution records show that the residence of a person or the person's legal custodian upon whom the person is dependent is outside of Oregon, the person shall continue to be classified as a nonresident until entitlement to residency classification is shown. The burden of showing that the residency classification should be changed is on the person requesting the change. Additional documentation to substantiate Oregon residency during the current and previous calendar years may be required if deemed necessary by the OHSU Residency Officer.

### Residency Consideration Factors (02-10-025)

- (1) The following factors, although not necessarily conclusive or exclusive, have probative value in support of a claim for Oregon residency classification:
  - (a) Be primarily engaged in activities other than those of a student and reside in Oregon for 12 consecutive months immediately prior to the beginning of the term for which residency classification is sought;
  - (b) Reliance upon Oregon resources for financial support;
  - (c) Domicile in Oregon of persons legally responsible for the student;
  - (d) Acceptance of an offer of permanent employment in Oregon; and
  - (e) Ownership by the person of his or her permanent living quarters in Oregon.
- (2) The following factors, standing alone, do not constitute sufficient evidence to effect classification as an Oregon resident:
  - (a) Voting or registration to vote;
  - (b) Employment in any position normally filled by a student;
  - (c) The lease of living quarters;
  - (d) Admission to a licensed practicing profession in Oregon;
  - (e) Automobile registration;
  - (f) Public records, for example, birth and marriage records, Oregon driver license;
  - (g) Continuous presence in Oregon during periods when not enrolled in school;
  - (h) Ownership of property in Oregon, or the payment of Oregon income or other Oregon taxes; or
  - (i) Domicile in Oregon of the student's spouse.
- (3) Reliance upon non-Oregon resources for financial support is an inference of residency in another state. Similarly, indicating a state, other than Oregon, by a student on a student application for admission on a national admissions application form is probative value of residency in another state.
- (4) The residency classification of a dependent person shall be that of his or her parents or legal custodians, or in case of a divorce or other similar circumstances, the parent or legal custodian upon whom the person is financially dependent, unless the dependent has been in Oregon with the other parent or a legal custodian and established Oregon residency under these rules 12 months prior to the term for which Oregon residency classification is requested.

### Evidence of Financial Dependency (02-10-030)

- (1) In determining whether a student is financially dependent and whether his or her parent, or legal custodian has maintained a bona fide domicile in Oregon for one year, a student must provide:
  - (a) Legal proof of custodianship;
  - (b) Evidence of established domicile of parent or legal custodian;
  - (c) The identification of the student as a dependent on the federal income tax return of the parents or legal custodian. Additional documentation to substantiate dependency during the current and previous calendar years may be required at a later time if deemed necessary by the OHSU Residency Officer.
- (2) A student who provides evidence that he or she is a dependent of a parent or legal custodian who has maintained a one-year (consecutive 12 month) domicile in Oregon shall not be required to establish a one-year domicile prior to classification of resident status, provided such a student may not be classified as a resident while receiving financial assistance from another state or state agency for educational purposes.

### Residency Classification of Armed Forces Personnel (02-10-035)

- (1) For purposes of this policy, members of the armed forces means officers and enlisted personnel of:
  - (a) The United States Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;
  - (b) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States.
  - (c) The National Guard of the United States and the Oregon National Guard
- (2) Notwithstanding Policy No. 02-10-030, members of the armed forces and their spouses and dependent children shall be considered residents for purposes of the instructional fee if the members:
  - (a) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;
  - (b) Reside in this state while serving as members of the crew of a ship that has an Oregon port of shore establishment as its home port or permanent station; or
  - (c) Reside in another state or foreign country and file Oregon state income taxes no later than twelve (12) months before leaving active duty.
- (3) An Oregon resident entering the armed forces retains Oregon residence classification until it is voluntarily relinquished.
- (4) An Oregon resident who has been in the armed forces and assigned on duty outside of Oregon, including a person who

establishes residency under section 2.(c) of this policy, must return to Oregon within sixty (60) days after completing service to retain classification as an Oregon resident.

- (5) A person who continues to reside in Oregon after separation from the armed forces may count the time spent in the state while in the armed forces to support a claim for classification as an Oregon resident.
- (6) A dependent child and the spouse of a person who is a resident under section (2) of this policy shall be considered an Oregon resident. "Dependent child" includes any child of a member of the armed forces who:
  - (a) Is under 18 years of age and not married, otherwise emancipated, or self-supporting; or
  - (b) Is under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher education, and dependent on the member for over one-half of his/her support.

#### **Residency Classification of Members of Native American Tribes (02-10-037)**

- (1) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon shall be assessed resident tuition regardless of their state of residence.
- (2) For purposes of this policy, the federally recognized tribes of Oregon are:
  - (a) Burns Paiute Tribe;
  - (b) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;
  - (c) Confederated Tribes of Grand Ronde Community of Oregon;
  - (d) Confederated Tribes of Siletz Indians of Oregon;
  - (e) Confederated Tribes of the Umatilla Indian Reservation;
  - (f) Confederated Tribes of the Warm Springs Indian Reservation;
  - (g) Coquille Indian Tribe;
  - (h) Cow Creek Band of Umpqua Indians
  - (i) Klamath Tribes
- (3) For purposes of this policy, the Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:
  - (a) California:
    - (1) Benton Paiute Tribe;
    - (2) Big Bend Rancheria;
    - (3) Big Lagoon Rancheria
    - (4) Blue Lake Rancheria
    - (5) Bridgeport Indian Colony;
    - (6) Cedarville Rancheria;
    - (7) Fort Bidwell Indian Tribe;
    - (8) Hoopa Valley Tribe;
    - (9) Karuk Tribe of California;
    - (10) Likely Rancheria;
    - (11) Lookout Rancheria;
    - (12) Lytton Rancheria
    - (13) Melochundum Band of Tolowa Indians;
    - (14) Montgomery Creek Rancheria;
    - (15) Pit River Tribe;
    - (16) Quartz Valley Indian Community;
    - (17) Redding Rancheria;
    - (18) Roaring Creek Rancheria;
    - (19) Smith River Rancheria;
    - (20) Susanville Rancheria;
    - (21) Tolowa-Tututni Tribe;
    - (22) Winnemucca Colony;
    - (23) XL Ranch.
  - (b) Idaho:
    - (1) Nez Perce Tribe of Idaho;
    - (2) Shoshoni-Bannock Tribes.
  - (c) Nevada:
    - (1) Duck Valley Shoshone-Paiute Tribes;
    - (2) Fallon Paiute-Shoshone Tribe;
    - (3) Fort McDermitt Paiute-Shoshone Tribe;
    - (4) Lovelock Paiute Tribe;
    - (5) Pyramid Lake Paiute Tribe;
    - (6) Reno-Sparks Indian Colony;
    - (7) Summit Lake Paiute Tribe;
    - (8) Walker River Paiute Tribe;
    - (9) Winnemucca Indian Colony;
    - (10) Yerington Paiute Tribe.
  - (d) Oklahoma: Modoc Tribe of Oklahoma.
  - (e) Washington:
    - (1) Chehalis Community Council;
    - (2) Colville Confederated Tribes;
    - (3) Quinault Indian Nation;
    - (4) Shoalwater Bay Tribe;
    - (5) Yakama Indian Nation.
- (4) A student seeking to be assessed resident tuition under the provisions of this policy shall submit, following procedures prescribed by OHSU, a photocopy of tribal enrollment which documents tribal membership.

#### **Residency Classification of Aliens (02-10-040)**

- (1) An alien holding an A, E, G, H, I, K, L, N, R, NATO, TC, TN or TD visa, or granted refugee or political asylum, Family Unity or Voluntary Departure in Lieu of Family Unity status, or otherwise admitted for permanent residence in the United States, is eligible to be considered an Oregon resident if other OHSU residency policies herein stated are also satisfied. The date of receipt of the immigrant visa, the date of approval of political asylum or refugee status, or the date of approval of lawful permanent residence, whichever is earlier, shall be the date upon which the 12 months and other residency requirements addressed elsewhere in these policies shall begin to accrue.
- (2) Notwithstanding any other policy, an alien possessing a nonimmigrant or temporary, i.e., B, C, D, F, J, or M visa cannot be classified as a resident.

#### **Changes in Residency Classification (02-10-045)**

- (1) If an Oregon resident student enrolls in an institution outside of Oregon and later seeks to re-enroll at OHSU, the residency classification of that student shall be re-examined and determined on the same basis as for any other person.
- (2) A person whose nonresident legal custodian establishes a permanent Oregon residence during a term when the dependent is enrolled at OHSU, may register as a resident at the beginning of the next term.
- (3) Once established, classification as a resident continues so long as the student remains in continuous academic year enrollment at OHSU.
- (4) A person who seeks classification as a resident under these policies shall complete and submit a notarized Residence Information Affidavit to the OHSU Residency Officer designated by the Provost. The affidavit and all required supportive documents and materials must be submitted by the last day to register for the term in which resident status is sought.
- (5) OHSU is not bound by any determination of residency except by duly authorized officials under procedures prescribed by these rules including timely submittal of the notarized affidavit.

#### **Review of Residency Classification Decisions by ORC (02-10-050)**

- (1) An OHSU residency committee (ORC) is established consisting of five persons knowledgeable about OHSU and appointed by the Provost. The purpose of the ORC is to review residency classification decisions made by the OHSU Residency Officer. A majority of the members of the ORC shall constitute a quorum. A majority of a quorum shall make decisions.
- (2) Residence cases of unusual complexity, especially where there may be conflict of policies, may be referred by the OHSU Residency Officer to the ORC for decision.
- (3) Any person who is aggrieved by a residency classification decision may, within ten (10) days of the date of mailing or other service of the classification decision, appeal the classification in writing to the ORC. An aggrieved person may supply written statements to the ORC for its consideration in reviewing the case and may also make an oral presentation to the ORC. The decision of the ORC shall be final unless appealed.
- (4) A person dissatisfied with an ORC decision may, within ten (10) days of the date of the mailing or other service of the ORC decision, appeal the ORC decision to the Provost. An appeal to the Provost shall be in writing only. The Provost's decision shall be final.

#### **Residents Under WICHE (02-10-055)**

A certification officer, designated by the Provost, shall determine the residency classification of any person seeking certification as an Oregon resident, pursuant to the terms of the Western Interstate Compact for Higher Education (WICHE). Any person dissatisfied with the decision of the certification officer may appeal to the ORC. The decision of the ORC shall be final unless further appeal is made to the Provost. The Provost's decision shall be final.

#### **Further Information**

Persons interested in further information on or assistance with residency classification should contact the OHSU Residency Officer:

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