

ARIZONA BOARD OF REGENTS
POLICY MANUAL

4-205 Residency Classification Review Procedures

Revision Dates

6/10/2021, 11/21/2013 (renumbered), 3/8/2007, 4/14/1994, 2/21/1986 (adopted)

A student may request a review of a residency classification by the residency officer by requesting a review of the non-resident classification.

- A. The university residency classification review system shall consist of one or more committees. Each committee shall consist of at least three voting members appointed by the president of the university for a term of one fiscal year. Members may be reappointed by the president. The president shall determine the number of committees required to expeditiously conduct review hearings.
- B. The president shall designate a chair for each review hearing. Members of each committee may include representatives from the faculty, administration, staff, professionals and student body of the university. Residency classification officers shall not serve as members of any review committee. The president may also appoint alternates who shall serve in place of a regular committee member at any review hearing at which a regular member may be absent or disqualified.
- C. At least three committee members, including any alternates, must be present to conduct a review hearing and render a decision regarding the student's request to review a residency classification determination.
- D. A request for a review hearing by a student classified as a non-resident shall be filed with the classification officer, or other individual designated by the university to receive requests, no later than 35 calendar days after the last day of registration for the term for which the student is seeking classification as an in-state resident. The request shall be in writing, signed by the student and shall include (a) the student's current mailing address; (b) the reasons why the student is challenging the classification determination; and (c) a signed statement setting forth all facts in support of the student's claim that the classification determination is erroneous.
- E. Failure to file a request for a review hearing within the time prescribed shall constitute a waiver of the right to request a review hearing and the residency classification officer's determination shall be final.
- F. The review hearing committee shall schedule a hearing within a reasonable time after receipt of a request for review and shall provide the student with written notice of the date, time, and place of the review hearing at least seven days prior to the hearing. Such notice may be made personally or by email to the university email address assigned to the student by the university.

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- G. The student shall have the right to appear and may be represented by an advisor of the student's choice at the student's expense. If the student, without valid excuse or prior authorization, fails to appear, the committee may determine the matter on the basis of evidence before it. The student or the student's advisor, but not both, may examine and cross-examine witnesses and summarize the evidence in final argument to the committee.
- H. Every document filed with the university relating to residency classification of the student shall constitute a part of the record. The committee shall also hear any relevant evidence which the student or the university wishes to present. The university may set a deadline before which all evidence must be submitted to the review committee and the other party.
- I. Formal rules of evidence shall not apply. The committee shall receive and consider oral and documentary evidence of the kind on which responsible individuals are accustomed to rely in serious matters. The committee may exclude evidence that is cumulative or repetitious, and will determine the credibility or weight to be given to the evidence presented.
- J. The proceedings of the committee shall be recorded. Any copies of the record, or copies of a transcript if one is created, desired by the student shall be at the student's expense.
- K. The order of presentation shall be determined by the committee.
- L. The committee may make such rules for the conduct of hearings as are not inconsistent with these procedures.
- M. The decision of the committee shall be final and not subject to further administrative review. The decision may be made by the committee at the time of the review hearing, or the committee may take the matter under advisement in which case the matter shall be decided within ten calendar days, excluding Saturday, Sunday and university recognized holidays, following the review hearing.
- N. Written notice of the decision of the committee shall be promptly sent by email to the email address assigned to the student by the university.
1. If the committee determines that the student should be classified as a resident, it shall direct the classification officer of the university to so classify the student. The university shall refund to the student the difference between the non-resident and resident tuition collected as a result of the non-resident classification for the current semester. If the student requests a review hearing regarding the initial classification of residency (upon admission) within the first term of attendance and the

student is successful, any difference between the in-state and out-of-state application fee paid by the student will also be refunded.

2. If it is determined that the student is a non-resident, the written notice shall advise the student that no further procedures within the university are available; the student may have the right to judicial review in the state courts; the time to pursue any legal action may be short; and if the student wishes to pursue legal action, the student should seek legal counsel.

Policy History

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| 2/21/1986 | Approved by the Board on second reading. |
| 4/14/1994 | Policy revision approved by the Board on second reading. |
| 3/8/2007 | Policy revision approved by the Board on second reading. |
| 11/21/2013 | Policy revision, including renumbering, approved by the Board on second reading. |
| 6/10/2021 | Policy revision approved by the Board on second reading. |

Related Information

4-205 was originally assigned to the Classification Procedures policy from its adoption in 1983 until 2/21/1986 when Article B of Chapter IV was revised. At that time, 4-205 was reassigned to the Classification Procedures policy and 4-207 was assigned to this policy. On 11/21/2013, this policy was renumbered to 4-205.