

E- 8. ALABAMA AND NON-ALABAMA STUDENT POLICY

For the purpose of assessing fees, applicants shall be classified as Alabama or non-Alabama students. Non-Alabama students are required to pay a non-resident tuition fee.

An Alabama student is a person who shall be a citizen of the United States, or a resident alien, and who shall have resided and had habitation, home, and permanent abode in the State of Alabama for at least twelve (12) months immediately preceding current registration. In applying this regulation, "applicant" shall mean a person applying for admission to the institution, if applicant is married or nineteen (19) years of age, and financially independent. Otherwise, it shall mean parents, parent, or legal guardian of his/her person. If the parents are divorced, residence will be determined by the residency of the parent to whom the court has granted custody.

A person who establishes a guardianship for purpose of avoiding non-Alabama fees will be subject to non-resident tuition.

No person who moves to Alabama for the primary purpose of attending college shall be considered to have demonstrated intent to establish domicile in the State of Alabama and will generally not be considered eligible for classification as a resident student. Clear and convincing evidence to the contrary must be presented to overcome this presumption.

In determining Alabama student status for purposes of assessing fees, the burden of proof is on the applicant.

ADDITIONAL PERSONS ELIGIBLE FOR RESIDENT TUITION

- A. Military personnel on active duty stationed in Alabama, their spouses, and dependent children (as defined by Internal Revenue Codes), as well as military personnel whose "Home of Record" is Alabama, who have continuously filed Alabama income tax returns for the duration of their service, and their spouses and dependent children.
- B. Non-resident undergraduate students who have been awarded full academic, athletic, or other similar performance tuition scholarships by Auburn University, and graduate students appointed on assistantships of at least 1/4-time.
- C. Full-time employees of a State of Alabama agency or institution, their spouses, and dependent children.
- D. Spouse and dependent children of a nonresident, provided the non-resident has been employed in Alabama full-time for at least twelve (12) consecutive months prior to registration, has filed an Alabama Income Tax Return for the tax year prior to the year in which the student is admitted, and did not claim a credit on the Alabama return for income taxes paid to another state.

- E. Non-resident students enrolled in programs included in the Southern Regional Education Board Academic Common Market, provided the student does not change to another program not included. In such cases of change, the student will be classified as a non-resident for tuition purposes.
- F. Persons whose spouses by legal marriage are bona fide Alabama residents.
- G. Spouses and dependent children of persons, who establish domicile within the State of Alabama, provided that the person who establishes domicile is employed full-time in a permanent position in Alabama.
- H. Non-resident persons enrolled in programs of Auburn University not funded by tax revenues of the State of Alabama.
- I. Students enrolled in the College of Veterinary Medicine professional D.V.M. program, admitted under contract with the Southern Regional Education Board.

INITIAL DETERMINATION OF ELIGIBILITY

In order to be initially classified as eligible for resident tuition, students must demonstrate that they or their parent, guardian, or spouse qualify for one of the eligibility categories prior to the first day of class. A signed statement is required attesting that qualification for the eligibility category claimed has been met prior to registration.

CHANGE IN ELIGIBILITY FOR RESIDENT TUITION

Students determined to be eligible for resident tuition will maintain that eligibility upon re-enrollment within twelve (12) months of their most recent enrollment, unless there is evidence that the student subsequently has abandoned resident status (e.g., registering to vote in another state). Students failing to re-enroll within twelve (12) months must establish eligibility upon re-enrollment.

Students initially classified as ineligible for resident tuition will retain that classification for tuition purposes until they provide clear and convincing evidence that they have established permanent domicile in Alabama. The burden of proof of change in eligibility rests upon those requesting change. Evidence relevant to an initial determination of eligibility is also relevant to establishing a change in eligibility.

Non-resident students who carry an academic load considered normal (ten (10) or more hours per term) for students at Auburn University will be presumed to be in the State of Alabama primarily for the purpose of gaining an education and, thus, have not demonstrated the intent to establish a true domicile in Alabama. Clear and convincing proof may overcome this presumption, but again, the burden of proof rests upon those requesting change in eligibility. Any change in resident tuition eligibility occurring during an academic term will not become effective until registration for the succeeding term.

The following types of evidence may be presented in an effort to establish 12-month residency in the State of Alabama. In all cases, the person must be at least nineteen (19) years of age or married and financially independent. Otherwise, the person's residency will be based upon that of the parent or guardian.

- A. Ownership or rental of residential property in the State of Alabama and continuous occupation thereof on an extended term of not less than twelve (12) consecutive months.
- B. Full-time permanent employment in the State of Alabama.
- C. Possession of State of Alabama License(s) required to do business or practice a profession in Alabama.
- D. Legal marriage to a bona fide Alabama resident.
- E. Registration to vote in the State of Alabama.
- F. Filing of Alabama resident income tax returns.
- G. Holding of a current Alabama driver's license.
- H. Registration of vehicle in Alabama and payment of property taxes thereon.
- I. Evidence of banking activity within the State of Alabama for twelve (12) consecutive months prior to making application for residency change.

The Registrar at Auburn University and the Director of Admissions at AUM shall have the responsibility for determining whether a student shall be classified as an Alabama or non-Alabama student. The decision of the Registrar/Admissions Director shall be subject to review by the President (at Auburn) or the Chancellor (at AUM), or the designated representative of each, upon written request of the applicant.

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