

PR 8

Office of the President
March 16, 2015

Members, Board of Trustees:

PROPOSED REVISION TO ADMINISTRATIVE REGULATION:
RESIDENCY REVIEW COMMITTEE

Recommendation: that the Board of Trustees approve the attached revisions to *Administrative Regulation 4:5, Residency Review Committee*. The proposed revisions are intended to make the regulation more consistent with regulations promulgated by the Council on Postsecondary Education (CPE) and current University organization; allow the University more flexibility in scheduling student appeals; and eliminate any appearance of conflicts of interest.

Background: Kentucky Revised Statute 164.020(8) authorizes the CPE to set different tuition rates for residents of Kentucky and nonresidents. The CPE has promulgated administrative regulations to establish the procedures and criteria for state-supported institutions of higher education to use in determining a student's residency status. (13 KAR 2:045) The CPE's regulations require the University to provide an administrative appeals process that includes: a residency appeals officer to consider student appeals of an initial residency determination; fourteen (14) days for the student to appeal the residency appeals officer's determination; and a residency review committee to consider appeals of residency determinations by the residency appeals officer.

The proposed revisions to the regulation are as follows:

- The title of the "Assistant Provost for Enrollment Management" is changed to the "Associate Provost for Enrollment Management, Admissions, and Registrar" to conform to current University organization.
- The fourteen (14) day period for a student to appeal the determination of the residency appeals officer, which the University always has provided to students, is now added as an explicit provision of the regulation.
- The number of Committee members is increased from four (4) to a pool nine (9). The Office of Enrollment Management will call three (3) members from the pool to hear student appeals. This will allow more flexibility and timeliness in scheduling student appeals meetings.
- Because the residency appeals officer is a member of the Office of the Associate Provost for Enrollment Management, Admissions, and Registrar; the Associate Provost is changed from a voting member of the Committee to an *ex officio* non-voting member to avoid any appearance of a conflict of interest. The Associate Provost will serve as the *ex-officio* Chair of the Committee and act as the facilitator at student appeal Committee meetings.

These revisions are supported by the Associate Provost for Enrollment Management, Admissions, and Registrar and by the General Counsel.

A copy of the Administrative Regulation showing the proposed revisions is attached.

Action taken: Approved Disapproved Other _____



Residency Review Committee (Approved by the Board of Trustees)

Major Topics

[Application for Change of Residency](#)

[Residency Review Committee - Authority, Membership, and Quorum](#)

[Residency Review Committee - Procedures](#)

[Formal Residency Appeals Hearings](#)

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 [AssistantAssociate](#) Provost for Enrollment Management, [Admissions, and Registrar](#), is selected by the [AssistantAssociate](#) Provost for Enrollment Management, [Admissions, and Registrar](#) ("[Associate Provost](#)"), and ~~will serve~~ 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 Assistant Provost for Enrollment Management~~ for initial consideration.
- B. ~~The Residency Officer, a member of the Office of the Assistant Provost for Enrollment Management, is selected by the Assistant Provost for Enrollment Management and will serve as the Residency Officer as part of his or her job description.~~ (Moved to A above)
- C. Residency determinations shall be based on regulations promulgated by the Council on Postsecondary Education. ([KRS 164.030; 13 KAR 2:045](#))
- D. The [AssistantAssociate](#) 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 Review Committee ("Committee") within fourteen (14) days of the Residency Officer's determination.

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

A. The ~~Residency Review~~ 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 ~~Residency Review~~ Committee is appointed by the President and reports to the Provost.

D. The Committee ~~pool~~ shall be comprised of ~~ninefour~~ (9) members:

1. ~~ThreeTwo~~ (3) members shall be recommended by the Provost from the faculty and staff, who may not be the Residency Officer.

2. ~~ThreeOne~~ (3) faculty members shall be from those recommended by the University Senate Council. The University Senate Council ~~ss~~ shall recommend ~~six three~~ (63) faculty members to the President, who will select ~~a the~~ members of the Committee from those named on this list.

3. ~~Three~~ (3) ~~One~~ members shall be ~~a~~ students recommended by the Student Government Association.

E. The ~~e~~Chair shall be the Associate Provost, who serves as an ex officio, nonvoting member. designated by the Provost from the Committee members. 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 member shall have a one-year appointment. Members may serve consecutive terms.

GF. To hear residency appeals, the Chair 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 Review Committee – Procedures

A. The Provost shall provide professional and administrative support for the ~~Residency Review~~ Committee, including but not limited to recording and preserving the minutes of ~~Committee~~ meetings, processing applications on appeal, and presenting the applications at ~~Committee~~ meetings.

B. A student may be invited to attend or may request the opportunity to attend a meeting of the ~~Residency Review~~ 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 ~~Residency Review~~ 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 ~~Residency Review~~ 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 ~~Residency Review~~ 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.

~~VI.~~ 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

~~AR III-1.1-4:~~ 6/15/1989, 3/19/1992, 6/11/1996, 9/21/1999, 9/23/2004, 12/13/2005, ~~AR 4:5:~~ 3/6/2007

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