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Office of the President
December 13, 2005

Members, Board of Trustees:

PROPOSED REVISIONS TO THE ADMINISTRATIVE REGULATIONS

Recommendation: that the attached proposed revisions to the Administrative Regulations (AR III-1.1-4) be given approval. The proposed revisions were given first consideration and approval at the October 25, 2005 regular meeting of the Board.

The proposed additions are in blue and underlined; proposed deletions are in red, and a line runs through deleted language.

Background: The Kentucky Council on Postsecondary Education (CPE) promulgates regulations concerning residency determinations. The university's regulation on residency determinations is based on the CPE's regulations. Although the Non-Resident Fee Committee is created by an Administrative Regulation (AR), approval of the AR by the Board of Trustees is required by regulations promulgated by the CPE.

A committee, chaired by Associate Provost David Watt, reviewed the CPE requirements and the prior AR. The committee proposed revisions of the regulation. The revisions have been reviewed and approved by the Senate Council and President Todd; President Todd recommends approval of these revisions. The committee believes this revised Administrative Regulation complies with CPE's regulations, clarifies the procedures for determining residency, and gives the Non-Resident Fee Committee and students a better organized and more readable document.

Action taken: Approved Disapproved Other _____

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR III-1.1-4		PAGE 1
	DATE EFFECTIVE 9/21/99 <u>10/25/05</u>	SUPERSEDES REGULATION DATED 6/15/89 3/19/92 9/23/94 6/11/96 <u>9/21/99</u>	

NON-RESIDENT FEE COMMITTEE ~~FOR THE LEXINGTON CAMPUS,
MEDICAL CENTER, AND LEXINGTON COMMUNITY COLLEGE~~
APPROVED BY THE BOARD OF TRUSTEES

Application for change of residency classification by a student enrolled in or an applicant to a program ~~on the Lexington Campus or Medical Center~~ at the University of Kentucky shall be made in writing to the Residency Officer in the ~~Registrar's Office~~ Office of the Assistant Provost for Enrollment Management for initial consideration. ~~Application for change of residency classification by a student enrolled in or an applicant to a program at the Lexington Community College shall be made in writing to the Residency Officer at Lexington Community College for initial consideration.~~ 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. Residency determinations shall be based on ~~Administrative Regulations~~ regulations promulgated by the Council on Postsecondary Education ~~contained in 13 KAR 2:045.~~ The Assistant Provost for Enrollment Management will not participate in the initial determination by the Residency Officer. The decision of the Residency Officer ~~in the Registrar's Office or Lexington Community College Residency Officer,~~ if adverse to the applicant, may be appealed to the Non-Resident Fee Committee.

The Non-Resident Fee Committee is appointed by the President of the University of Kentucky and reports to the ~~Vice President for Fiscal Affairs~~ Provost. The Committee shall be comprised of ~~six faculty and/or staff members and two students~~ the Associate Provost for Academic Affairs, the Assistant Provost for Enrollment Management (who is not the Residency Officer), a faculty member nominated by the University Senate and one student. ~~One faculty member and one student shall be appointed from Lexington Community College.~~ The University Senate will forward a list of three (3) faculty members to the President who will select a member of the Committee from among those named on this list. The chair ~~person~~ shall be designated by the President Provost. The faculty ~~and/or staff~~ members normally shall have ~~staggered a three-year appointments; the student members shall have one-year appointments~~ appointment. The Committee shall have authority to adopt by-laws, establish procedural rules, and schedule meetings. Three members shall be necessary for Committee action, and three members shall constitute a quorum. A majority of the Committee members present shall be necessary for any decision. A student may request the opportunity to attend a meeting of the Non-Resident Fee Committee that is considering his or her case by contacting the Chair of the Committee. If invited, the student may bring one advisory to the meeting, but the student shall present his or her case.

The ~~University Registrar~~ Provost shall provide professional and secretarial support for the Non-Resident Fee 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.

The Non-Resident Fee Committee ~~for the Lexington Campus, Medical Center, and Lexington Community College~~ shall consider appeals from students whose initial requests for change in residency status have been denied by the Residency Officer ~~in the Registrar's Office or the Residency Officer at Lexington Community College~~. Residency appeals shall be based on ~~Administrative Regulations~~ regulations promulgated by the Council on Postsecondary Education ~~contained in 13 KAR 2:045~~. The applicant shall be notified in writing as to the Committee's decision on the applicant's appeal.

If the applicant considers the decision of the Committee to be unsatisfactory, the applicant may request a formal hearing by contacting the Chair~~person~~ of the Non-Resident Fee Committee in writing within fourteen (14) days after receipt of the written notification.

The ~~Chancellor of the Lexington Campus, the Chancellor of the Medical Center, and the President of Lexington Community College~~ are Provost is authorized to appoint or employ a hearing officer to preside over formal residency hearings. ~~Formal hearings shall be and shall arranged a formal hearing based~~ on a timely ~~request from a student~~ 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.

The ~~hearing officer~~ Hearing Officer shall make a recommendation to the ~~appropriate Chancellor or the President of Lexington Community College~~ Provost. The ~~Chancellor or President~~ Provost shall decide the appeal and notify the student in writing.

The Office of Legal Counsel shall advise the Residency Officer ~~in the Registrar's Office, the Residency Officer at Lexington Community College, and~~ the Non-Resident Fee Committee, ~~the Chancellors and the President of Lexington Community College~~ on legal matters, including but not limited to interpretation of the ~~residency~~ regulations promulgated by the Council on Postsecondary Education ~~contained in 13 KAR 2:045~~, procedural questions, and applicable laws, cases, and regulations.

The Non-Resident Fee Committee shall submit an annual report on its activities to the ~~Vice President for Fiscal Affairs~~ Provost.