

## 202. Non-resident Tuition Policy

### I. Non-resident Tuition Fee

- A. All students registering at The University of Alabama, The University of Alabama at Birmingham, or The University of Alabama in Huntsville who do not establish that they are “resident students” shall pay a “non-resident student” tuition, which shall be at least twice that of “resident student” tuition.
- B. Classification of students as “non-resident students” or “resident students” shall be made at the time of their initial registration and shall continue unchanged through all subsequent registrations at that institution until satisfactory evidence to the contrary is submitted at the time of any subsequent registration.

### II. Definitions

#### A. Minor

An individual who, because of age, lacks the capacity to contract under Alabama law. Under current law, this means a single individual under nineteen (19) and a married individual under eighteen (18), but excludes an individual whose disabilities of non-age have been removed by a court of competent jurisdiction for a reason other than establishing a legal residence in Alabama.

#### B. Dependent Child

An individual who is a "qualifying child" as defined by the IRS.

#### C. Supporting Person

Either or both of the parents of the student (if they are living together) or if they are divorced or living separate, then either the parent having legal custody or, if different, the parent providing the greater amount of financial support of the two. If both parents are deceased or if neither had legal custody, then supporting person shall mean, in the following order: legal custodian of the student, and, if none, the guardian, and, if none, the conservator.

#### D. Resident

One whose residence is in the State of Alabama. Residence means the single location at which a person resides with the intent of remaining there indefinitely as evidenced by more substantial connections with that place than with any other place. Individuals carrying resident status under this policy shall certify under penalty for perjury that a specific address or location within the State of Alabama is their residence, that they intend to remain there indefinitely, and that they have more substantial

connections with the State of Alabama than with any other state. Though certification of an address and an intent to remain in the state indefinitely are prerequisites to establishing status as a resident, ultimate determination of that status shall be made by the institution by its evaluation of the presence or absence of connections with the State of Alabama including the following:

1. Payment of Alabama state income taxes as a resident
2. Ownership of a residence or other real property in the state and payment of state ad valorem taxes thereon
3. Full-time employment (not temporary) in the state
4. Residence in the state of a spouse, parents, or children
5. Previous periods of residency in the state continuing for (1) year or more
6. Voter registration and voting in the state, more significantly, continuing voter registration in the state that initially occurred at least one year prior to the initial registration of the student in Alabama at a public institution of higher education
7. Possession of state or local licenses to do business or practice a profession in the state
8. Ownership of personal property in the state and payment of state taxes thereon (e.g. automobile, boat, etc.) and possession of state license plates
9. Continuous physical presence in the state for a purpose other than attending school and except for temporary absences for travel, military service, temporary employment, etc.
10. Membership in religious, professional, business, civic, or social organizations in the state
11. Maintenance in the state of checking and savings accounts, safe deposit boxes or investment accounts
12. In-state address shown on selective service registration, driver's license, automobile title registration, hunting and fishing license, insurance policies, stock and bond registrations, last will and testament, annuities, or retirement plans
13. Location within the state of the high school from which the individual graduated

E. Resident Student

One who, at the time of registration:

1. Is not a "minor" or "dependent child," and is a resident of the State of Alabama and has been a resident of the state for at least one year immediately preceding the date of registration; or
2. Is a "minor" or "dependent child," and whose "supporting person(s)" is a resident of the State of Alabama and has been a

resident of the state for at least one year immediately preceding the date of registration.

F. Non-Resident Student

One who, at the time of registration is not a resident student.

III. Authority to Expand the Definition of “Resident Student”

The President of each campus may recommend to the Chancellor for consideration by the Board of Trustees that the term “resident student” may include any one or more of the following categories, at that campus:

A. One who, at the time of registration, is not a “minor” and:

1. Is a full-time employee (not temporary) of the institution at which the student is registering or is the spouse of such an employee;
2. Is able to verify full-time permanent employment within the state of Alabama and shall commence said employment not more than ninety (90) days after registration with the institution, or is the spouse of such an employee;
3. Is employed as a graduate assistant or fellow by the institution at which the student is registering;
4. Is a resident of any county within fifty (50) miles of the campus of the institution at which the student is registering, and had been a resident of that county for at least one year immediately preceding the date of registration. “Resident” shall have the same meaning, as to the relevant county, which it has as to the state of Alabama in the definition section of this policy statement; or
5. Is an out-of-state active duty, retired military veteran or member of the Alabama National Guard who is a resident of any county within ninety (90) miles of the campus of the institution at which the student is registering.

B. One who, at the time of registration, is a “minor” or “dependent child,” and whose “supporting person(s)”:

1. Is a full-time employee (not temporary) of the institution at which the student is registering;
2. Is able to verify full-time permanent employment within the state of Alabama and shall commence said employment not more than ninety (90) days after registration with the institution; or
3. Is a resident of any county within fifty (50) miles of the campus of the institution at which the student is registering, and has been a resident of that county for at least one year immediately preceding the date of registration. “Resident” shall have the same meaning, as

to the relevant county, which it has as to the state of Alabama in the definitions' section of this policy statement.

4. Is an out-of-state active duty, retired military veteran or member of the Alabama National Guard who is a resident of any county within ninety (90) miles of the campus of the institution at which the student is registering.

#### IV. Rules for Veterans and Members of the United States Armed Forces

For purposes of admission and tuition and fees, all institutions in The University of Alabama System shall consider that the term "resident student" to include any of the following:

- A. One who, at the time of registration, satisfies one of the following:
  1. Military personnel on active duty, along with their spouse or dependent child(ren), who are either stationed in Alabama for reasons other than attending school or whose State of Residence on their Leave and Earnings Statement (LES) is Alabama;
  2. Has been a member of the Alabama National Guard for a period of at least two years immediately preceding the academic term in which the student qualifies for resident tuition, and continues to be a member of the Alabama National Guard while enrolled at an institution in The University of Alabama System; or
  3. Is receiving or entitled to receive benefits under the Post-9/11 GI-Bill or Montgomery GI-Bill programs, or other federal law authorizing veterans' educational benefits, and satisfies at least one of the following conditions:
    - a. A Veteran who lives in the state of Alabama (regardless of his/her formal state of residence) and enrolls within (3) years of receiving an honorable discharge, as verified by a United States Department of Defense Form 214, from a period of active duty service of (90) days or more;
    - b. A spouse or dependent child using transferred benefits who lives in the state of Alabama (regardless of his/her formal state of residence) and enrolls within (3) years of the transferor's honorable discharge, as verified by a United States Department of Defense Form 214, from a period of active duty service of (90) days or more; or
    - c. A spouse or dependent child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the state of Alabama (regardless of his/her formal state of residence) and enrolls within (3) years of the Servicemember's death in the line of duty following a period of active duty service of (90) days or more.

4. One who is a veteran of the Armed Forces of the United States, not eligible under subsection 3 above, provided that veteran resides in the State of Alabama, and satisfies at least one of the following conditions:
  - a. The veteran has served on active duty for a continuous period of time, not less than two years, and has received an honorable discharge as verified by a United States Department of Defense Form 214 within five years of enrolling in an Alabama public institution of higher education;
  - b. Is currently serving in a reserve component of the Armed Forces of the United States, as verified by a memorandum from his or her commanding officer; or
  - c. The veteran has been assigned a service-connected disability by the United States Department of Veteran Affairs.
- B. To be eligible for resident tuition as provided for in subsection A, and to maintain eligibility, the student shall:
  1. Have secured admission to and enrolled full-time or part-time at an institution in The University of Alabama System; and
  2. Maintain full-time or part-time enrollment at an institution in The University of Alabama System; and
  3. Satisfy the admission and retention standards at an institution in The University of Alabama System.
- C. A student who has previously met the requirements of this section shall continue to be classified as a resident student as long as the qualifying student continues to reside in the State of Alabama while enrolled at an institution in The University of Alabama System. If an individual provided for in subsection A is released or discharged dishonorably, such release shall be grounds for revocation of resident status.

V. Authority to Implement Policy

- A. The Presidents are authorized (and authorized to delegate to admissions officers and others) and directed to implement this policy by appropriate written policies, guidelines, and procedures.
- B. Such policy shall provide that classification as a “resident student” shall be based upon the required certificate and other written evidence to be filed in the admissions office and that any decision by an admissions officer may be appealed by the student to a review committee that shall be constituted, appointed, and operated as provided in such policy.

- C. The decision of the review committee may be appealed to the President, or his or her designee, whose action thereon shall be final.

(Adopted as Resolution by Executive Committee on August 21, 1975; amended February 18, 1981, September 22, 1989, May 23, 1997; adopted as Board Rule December 5, 1997; amended November 14, 2008; September 13, 2013; April 10, 2015.)