

University Registrar Services

Residency Classification Appeal Committee

Training for 2020- 2021

Agenda

- Cover Everything
- We can
- In
- 90 minutes
- Or Less

Disclaimer

There is no way to tell you
everything you will need to know

What's New

- 5 new appeal committees – M, T, W, R, F
- We have 6 new committee members
- The petition process got a major facelift in April
- Documents are uploaded by the student

What's not new

- Commitment is still approximately 4 hours/month
 - 2 hours in meetings or hearing student appeals.
 - 2 hours reviewing student files independently

What's not new, but is...sort of

- All appeal hearings for fall will be in Zoom
- The script is easier to read (I think)
- There is a web page with resources for you:
 - <https://students.asu.edu/rac>

Memo to you

Welcome Memo

- Past members –have heard all my jokes before
- New members – you bring donuts to every meeting
- It's good to have everyone

Charge to the Committee

- Appellate body authorized by ABOR
- You will be hearing from students who disagree with our decision to deny in-state classification
- Committees are not authorized to make exceptions to ABOR policy.

Residency Classification 101

- Resident for Tuition Purposes has a distinct meaning
- One can be a resident of Arizona and not be a *resident for tuition purposes*
- ABOR guidelines are not complicated
- Students are complicated

Residency Classification 101

- Admissions – 100,000 applications per year
- Petition – 2500 petitions per year
- Appeal – 200 appeals per year

Committee Requirements

- Understand ABOR guidelines
- Think critically
- Be empathetic
- Be a “reasonable person”

Reasonable Person Standard

A hypothetical person who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining eligibility.

Commitment

- 4 hours per month
- Fall and spring (and possibly summer).
- And hopefully next year.
- This is slide 15 – we're family now; please honor this commitment and let us know when you can't.

Burden of Proof

- The burden of proof always belongs to the student
- We have no obligation to prove the student is a non-resident
- We have no obligation to prove anyone is a resident elsewhere.

Standard of Proof

- A preponderance of the evidence
- The sum of the evidence supports the conclusion that the claim in question is more likely to be true than not
- Things can be unclear and you can have doubts

Standard of Proof

1. Nothing
2. Something
3. Possible
4. Probable
- 5. More likely than not**
6. Clear and convincing
7. Beyond a reasonable doubt
8. Absolute

Standards of Conduct

Standard of Conduct

- Ethical Considerations
- Conflicts of Interest
- *Ex Parte* Communication
- Sensitive Information

Arizona State Statutes

ARS 15-1802-A:

ARS 15-1802-A: “no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition.”

ARS 15-1802-B:

ARS 15-1802-B: “A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year”

(though, there are exceptions)

ARS 15-1804-1:

ARS 15-1804-1: “No emancipated person has established a domicile in this state while attending any educational institution in this state as a **full-time student**...in the absence of a clear demonstration to the contrary.”

ARS 15-1805-A:

ARS 15-1805-A: “The Arizona board of regents shall adopt **guidelines** applicable to all institutions under their jurisdiction that will ensure uniform criteria to aid the institutions in determining the tuition status of any student and that will establish uniform procedures for review of that status.”

ABOR Guidelines

4-201: Definitions

- Domicile
- Parent

Domicile:

Everyone is domiciled somewhere, and domicile is never temporary or transitory.

Domicile can change or be someplace the person is not.

Domicile:

Domicile and residence are similar, but not the same.

Residence signifies where someone is living at any given point in time.

Domicile:

Establishing domicile requires presence and intent and would be accompanied by acts that signify an intent to establish a permanent presence with no intention of leaving.

Parent:

- Mother
- Father
- Legal Guardian

4-203: Requirements to be Considered

- Details the requirements for residency and the various 12-month exceptions
- These correspond to the various petition types that students choose from when requesting reclassification

Independent Student

An independent student must:

- Provide objective evidence of continuous presence in Arizona for 12 months
- Provide objective evidence of intent to be an Arizona resident
- Overcome the presumption they are in Arizona primarily to be a student

Intent

is the legal and customary things that would be expected of someone who established Arizona as their permanent home beyond the circumstance of being a student.

Intent

Intent is not based on a student's statements about his/her plans for the future, but rather documented evidence of behavior in this regard historically, i.e. what *was* their purpose, aim or desire; what did they *do*?

Here, intent is not about the future.

Financial Independence

Is a factor to consider, but cannot be determinative (i.e. the only reason to deny a student).

Evaluators choose how much weight to give any indicator or intent.

Financial Dependence often carries significant weight for *Independent* students.

Residency Appeal Committee – Petition Reviews: Independent Student

An Independent student must:

1. Provide objective evidence of continuous presence in Arizona for at least 12 months, and
2. Provide objective evidence of intent to be an Arizona resident for the same 12-month period, and,
3. Overcome the presumption that they are in Arizona primarily to be a student.

Reviewing an Independent Student petition

1. **Read the evaluator's decision summary** – this is a summary of what was reviewed and why the petition was denied.
2. **Read the student's petition** – this can be accessed in PeopleSoft.
3. **Read the student's appeal** – this will include the reasons why the student felt the initial decision was erroneous.
4. **Review the relevant ABOR policies** – these should be referenced in the decision summary.
5. **Prepare questions for the student** – questions should be relevant, meaningful and tied to policy.

Dependent of an AZ resident

A dependent student must:

- Provide evidence of domicile in Arizona
- Have at least one parent domiciled in Arizona
- Must meet IRS guidelines to be claimed as dependent child for federal and state tax purposes.

Parent Domicile

Parents who are domiciled in Arizona will have the legal and customary ties that one would expect a resident to have – e.g. taxes, pay stubs, vehicle registrations, driver's license, bank statements and moving bills, etc.

Dependent Child

Per IRS guidelines, a dependent child will be a student under the age of 24 who lived with the parent more than half the year and did not provide more than half of his/her own support for that year.

Residency Appeal Committee – Petition Reviews: Dependent Student

A Dependent student must:

1. Provide objective evidence of domicile in Arizona, and
2. Provide objective evidence that student's parents (or parent) are domiciled in Arizona, and,
3. Provide evidence that parent is entitled to claim the student as a dependent child for tax purposes.

This is an exception to the 12-month requirement – neither parent nor student is required to be domiciled in Arizona for 12 months.

Reviewing an Dependent Student petition

1. **Read the evaluator's decision summary** – this is a summary of what was reviewed and why the petition was denied.
2. **Read the student's petition** – this can be accessed in PeopleSoft.
3. **Read the student's appeal** – this will include the reasons why the student felt the initial decision was erroneous.
4. **Review the relevant ABOR policies** – these should be referenced in the decision summary.
5. **Prepare questions for the student** – questions should be relevant, meaningful and tied to policy.

Spouse of an AZ resident

The spouse of an AZ resident must:

- Provide evidence his/her spouse has been domiciled in AZ for 12 months
- Provide evidence that spouse is financially independent

Transferred Employee

The transferred employee must:

- Show evidence that student or spouse was transferred to AZ for employment purposes
- Show evidence that the employer paid for the moving expenses.

All the rest...

Also interesting, but these tend to have very high approval rates and students don't appeal when denied.

Student either meets the requirement or does not.

Sidenote

Students self-select which petition type they submit – they don't always guess right.

The residency office will review all factors of the student's situation and may review a student against criteria for any of the 9 petition types.

4-204: Petition for reclassification

Describes the process for requesting reclassification

- The burden of proof belongs to the student
- Evaluator may consider all factors and all evidence
- The student can appeal if they disagree

4-205: Residency Classification Appeal Procedures

Describes the process for appealing:

- One of more committees (we have 5)
- Designated chair for each committee
- Residency Office does not participate

4-205: Residency Classification Appeal Procedures

Requires at least 3 voting members

- If you participate in the hearing, you must vote
- Overturning a denial requires a majority vote

4-205: Residency Classification Appeal Procedures

- Student can bring an advisor or legal counsel
- If the student fails to appear, hearing will be held in absentia
- Formal rules of evidence don't apply
- All hearings are recorded

4-208: Miscellaneous Provisions

- Providing false or misleading information can be costly.

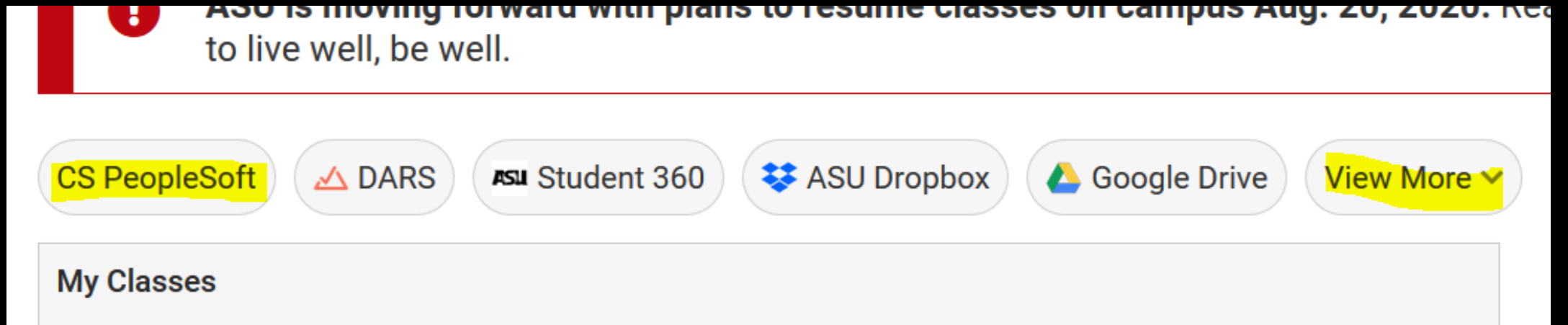
Appellant Files

Appellant Files

- Uploaded and stored in PeopleSoft
- Everyone should have access
- Reviews will take 15-45 minutes

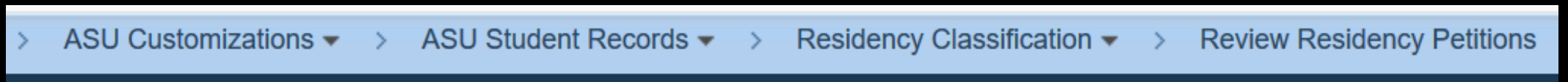
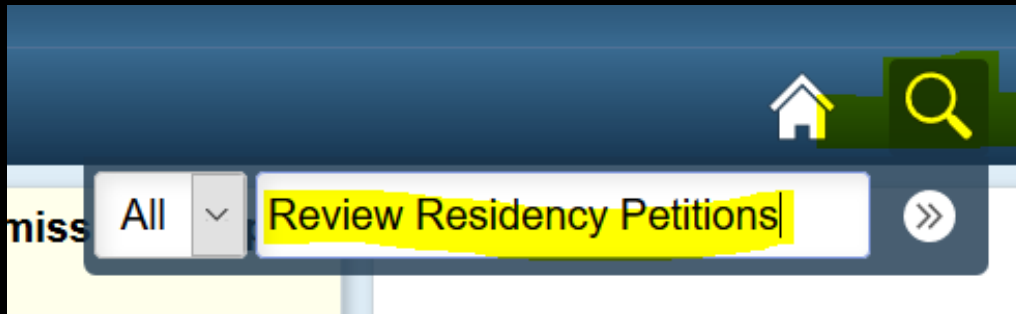
Appellant Files

- Go to CS People Soft – from My ASU



Appellant Files

- Search for or Navigate to: “Review Residency Petitions”



Appellant Files

- Click on Search – PS will only display students that have been assigned to you. You should generally never see more than 4 students at one time.

Empl ID: [REDACTED] Jane [REDACTED]
Term: 2197 2019 Fall
Petition Type: TR Transferred Employee Petition
Sequence: 1
Petition Status: Submitted

[View Full Residency Petition](#)**Submitted Date:** 04/11/19 8:53:52PM

Documents

Find

First



1-12 of 12



Last

Sequence: 1 Receipt for \$50 petition fee - fee can be paid in person at [Student Account & Cashiering Services](#)

☐ Document Not Applicable☐ Document Not Provided

Attached File	Description	Updated Date/Time	Updated By	Upload	View		
Checklist.pdf	<input type="text" value="received with petition"/>	07/10/2019 10:54:51AM	conniejo	<input type="button" value="Upload"/>	<input type="button" value="View"/>	<input type="button" value="+"/>	<input type="button" value="-"/>
Receipt.pdf	<input type="text" value="received with petition"/>	07/10/2019 9:30:18AM	conniejo	<input type="button" value="Upload"/>	<input type="button" value="View"/>	<input type="button" value="+"/>	<input type="button" value="-"/>

Sequence: 2 STUDENT: Arizona driver's license, learner's permit, or state ID

☐ Document Not Applicable☐ Document Not Provided

Attached File	Description	Updated Date/Time	Updated By	Upload	View		
Veh_reg__AZ_DL.pdf	<input type="text" value="received with petition"/>	07/10/2019 10:55:33AM	conniejo	<input type="button" value="Upload"/>	<input type="button" value="View"/>	<input type="button" value="+"/>	<input type="button" value="-"/>



Decision Summary

This is a summary document that lists all the documentation provided by the student and an explanation about why the petition was denied.

Name: ARIANA XXXXX	ASU ID: XXXXX	Term: 2019 SUMMER
Has student petitioned before?	<input checked="" type="checkbox"/> No	Petition Fee – Receipt # 942420

Has the student provided objective evidence of 12 months of continuous presence in Arizona?	<input checked="" type="checkbox"/> No
Has the student provided objective evidence of 12 months of intent to be an Arizona resident?	<input checked="" type="checkbox"/> No
Has the student overcome the presumption his/her presence in Arizona is primarily to be a student?	<input checked="" type="checkbox"/> No

Documents	Comments
Arizona Driver's License	Issued: 5/18 • Expiration: 4/26/2062
Arizona Voter Registration	NOT PROVIDED <i>Note: Date of registration (DOR): Unknown • verified online: registrant history indicates valid registration but no voting history</i>
Arizona Vehicle Registration(s)	NOT PROVIDED
Marriage Certificate	N/A
Mortgage deed or lease agreement	Tempe, AZ • 8/1/18 – 7/31/19 • Rent per month: \$915.18 <i>Note: 12 month-to-month lease with an annually rent amount of \$10,982.18 (rent per month will be \$915.18)</i>
Most recent pay stub for student	Tempe Hotel Operations, LLC (Tempe, AZ) • 5/11/19 – 5/24/19 • YTD wages: \$8,369.48 • AZ tax withholdings: \$0 (ZERO) <i>Note: student does not have AZ tax withheld</i>
Most recent Federal Tax Return	NOT PROVIDED

How residency is determined

Admissions: an initial residency decision is made when a student *submits* their application for admission.

Admissions: This first decision is made by a complex algorithm that evaluates a thousand if-then statements. It's not human; it's not perfect.

Residency Referral: an informal review of the admissions application that is completed by the residency office prior to the student's first semester of enrollment.

Residency Petition: this is a formal request for reclassification.

Approvals rate is around 75%.

Residency Petition: students can only submit one petition per semester, but can submit petitions for multiple semesters.

Residency Appeal: a formal appeal of a denied residency petition heard by the Residency Appeal Committee.

Appeal decisions are final.

Residency Appeal: appeal requests often include new information or new documentation that was not previously considered.

Residency Appeal: every petition that is denied can be appealed.

some denials are obvious, but every student has the right to appeal.

Residency Appeal: The residency office does not send students to the appeal committee because they can't decide.

Students do what students do – they learn.

Students are generally well-versed in residency policy by the time of their appeal.

Who appeals?

Standards of Proof

1. Nothing
2. Something
3. Possible
4. Probable
5. More likely than not
6. Clear and convincing
7. Beyond a reasonable doubt
8. Absolute

Appeal Hearings

Review

Give yourself time to read the decision summaries prior to the hearing.

Questions

Come prepared with good questions.

Questions to the student should be relevant and pertain to ABOR policies.

Students will assume everything you ask will be considered in your decision.

Manage your time

You will have 30 minutes with each appellant.

New Documents

Students are told to submit all new documentation with their appeal request.

Committee Chair

- Facilitate the meeting
- Read the script
- Keep the committee on task
- Be mindful of time

Recording

Per ABOR policy, all hearings are recorded and the audio is saved to the student's file.

Absentees

Students that do not appear for their scheduled time will have their hearing held in absentia.

The Vote

All members that participate in the hearing are required to vote – you can vote to overturn our decision, uphold our decision or delay your decision for 10 days.

The Vote

As a committee, your task is to determine whether or not the original decision was erroneous.

The decision made by the Residency Office will often not include the students verbal testimony or any new information provided at the hearing.

The Vote

Decisions are not required to be unanimous;
overturning a decision requires a majority vote

After the Vote

Students that are denied will be angry or upset or sad.

- You have no obligation to explain your decision
- Please refer students to Residency when they have questions
- Please avoid advising them on next steps or making promises about future petitions

Homework

1. Read ABOR policy
2. Review the residency web pages and brochure
 - <https://students.asu.edu/residency>
3. Read the Standards of Conduct
4. Review the Independent and Dependent Student evaluation guidelines.
5. Visit your web page: <https://students.asu.edu/rac>

Questions...

Scott Thorpe

- sthorpe@asu.edu
- 480-965-7302

Lauren Witherspoon

- Lauren.Witherspoon@asu.edu
- 480-965-7712

Thank you!

**We appreciate your willingness
to be on this committee.**