APPLICATION FOR RESIDENCY

IN ORDER TO APPLY FOR RESIDENCY AT FAIRMONT STATE UNIVERSITY AND PIERPONT COMMUNITY AND TECHNICAL COLLEGE, PLEASE COMPLETE AND SIGN THE ATTACHED RESIDENCY APPLICATION AND PROVIDE COPIES OF THE FOLLOWING DOCUMENTS:

1. PROOF OF TWELVE MONTHS CONTINUED PRESENCE IN WV PRIOR TO APPLYING TO OR ENROLLING IN ANY INSTITUTION OF HIGHER EDUCATION

2. PROOF OF PAYMENT OF WV INCOME TAXES

3. A SIGNED STATEMENT OF FULL-TIME EMPLOYMENT ON COMPANY LETTERHEAD

4. A BRIEF STATEMENT EXPLAINING YOUR CLAIM TO RESIDENT STATUS AS INDICATED ON THE BACK OF THE APPLICATION. A TIMELINE WITH ALL RELEVANT DATES IS RECOMMENDED

5. A LEASE, RENTAL AGREEMENT, OR PROOF OF PURCHASE OF YOUR PERMANENTLY OCCUPIED HOME IN WV

6. WV MOTOR VEHICLE REGISTRATION

7. WV DRIVER'S LICENSE

DEPENDENCY STATUS: IF YOU ARE APPLYING FOR RESIDENT STATUS ON THE BASIS OF DEPENDENCY UPON A PARENT, LEGAL GUARDIAN, OR SPOUSE, PROVIDE INFORMATION ON THE APPLICATION AND SUPPORTING DOCUMENTATION RELATIVE TO THE PARENT, LEGAL GUARDIAN, OR SPOUSE, AS WELL AS, ANY DOCUMENTATION THAT APPLIES TO YOU.

*NOTE: A COMPLETED APPLICATION MUST BE RECEIVED 2 WEEKS PRIOR TO THE START OF THE TERM IN ORDER TO BE PROCESSED FOR THAT TERM. ANY RESIDENCY APPLICATIONS RECEIVED AFTER THIS POINT WILL BE REVIEWED FOR THE NEXT SEMESTER. PLEASE NOTE THAT ATTENDANCE AT THE INSTITUTION AFTER AN APPLICATION HAS BEEN SUBMITTED MAY AFFECT THE 12 MONTH RESIDENCY REQUIREMENT. SEE POLICY FOR DETAILS.

NAME_____

PRESENT PERMANENT HOME ADDRESS:

ADDRESS_____

CITY _____ STATE _____ ZIP_____

HOME TELEPHONE #_____ MARITAL STATUS _____

DATE OF BIRTH _____ SOCIAL SECURITY #_____

EMAIL ADDRESS_____

ARE YOU CURRENTLY ATTENDING FAIRMONT STATE UNIVERSITY OR PIERPONT COMMUNITY & TECHNICAL COLLEGE? _____

HAVE YOU ATTENDED FAIRMONT STATE UNIVERSITY OR PIERPONT COMMUNITY & TECHNICAL COLLEGE PREVIOUSLY? _____ IF YES, WHEN? _____

	YES	**NO**	**ESTABLISHED DATE**
DO YOU OWN RESIDENTIAL PROPERTY IN WEST VIRGINIA?			
HAVE YOU PAID WV REAL ESTATE OR PERSONAL PROPERTY TAXES DURING THE PAST 12 MONTHS?			
HAVE YOU FILED A WV INCOME TAX RETURN DURING THE LAST 12 MONTHS?			
IF YOU ARE MARRIED, IS YOUR SPOUSE A RESIDENT OF WV?			
DO YOU HAVE A VEHICLE LICENSED IN YOUR NAME?			
IS SUCH VEHICLE LICENSED IN WV?			
DO YOU POSSESS A VALID WV DRIVER'S LICENSE?			
ARE YOU A REGISTERED VOTER IN WV?			

PLEASE PROVIDE SPECIFIC DATES REGARDING YOUR PHYSICAL LOCATION, EMPLOYMENT HISTORY, AND ANY OTHER PERTINENT INFORMATION DURING THE YEARS LISTED BELOW. BE AS SPECIFIC AS POSSIBLE INCLUDING MONTHS, DAYS, ETC.

2012

2013

2014

2015

I affirm/attest that the information and accompanying documentation included herein is true and accurate, and freely authorize the verification of each if considered necessary for proper consideration of this application.

SIGNATURE OF APPLICANT_____

SIGNATURE OF PARENT/GUARDIAN/SPOUSE_____

(APPLICABLE TO STUDENTS SEEKING RESIDENT STATUS ON BASIS OF PARENT/GUARDIAN/SPOUSE)

TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 25
RESIDENCY CLASSIFICATION FOR ADMISSION AND FEE PURPOSES

SECTION 1. General

1.1. Scope -- Rule regarding residency classification of students for admission and fee purposes.

1.2. Authority -- W. Va. Code §§1 8B-1 -6, 1 8B-1 -7, and 1 8B-1 0.

1.3. Filing Date – July 2, 2002

1.4. Effective Date – August 1, 2002

1.5. Repeal of Former Rule - Repeals and replaces Title 128, Series 34 and Title 131, Series 34

SECTION 2. Classification for Admission and Fee Purposes

2.1. Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition, and fee purposes by the institutional officer designated by the President. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The designated officer is authorized to require such written documents, affidavits, verifications, or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition, and fee purposes is upon the student.

2.2. If there is a question as to domicile, the matter must be brought to the attention of the designated officer at least two (2) weeks prior to the deadline for the payment of tuition and fees. Any student found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident fees for each academic term theretofore attended.

2.3. The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts, the prior

judgment should be given strong consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

SECTION 3. Residence Determined by Domicile

3.1. Domicile within the state means adoption of the state as the fixed permanent home and involves personal presence within the state with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in this State for admission or fee payment purposes. West Virginia domicile may be established upon the completion of at least twelve (12) months of continued presence within the state prior to the date of registration: **Provided,** That such twelve (12) months' presence is not primarily for the purpose of attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than twelve (12) months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action. In determining domicile, institutional officials should give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within the state, paying West Virginia property tax, filing West Virginia income tax returns, registering of motor vehicles in West Virginia, possessing a valid West Virginia driver's license, and marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may be used in determining whether or not a domicile has been established. Factors militating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal or state income tax returns or on the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states, and leaving the state when school is not in session.

SECTION 4. Dependency Status

4.1. A dependent student is one (1) who is listed as a dependent on the federal or state income tax return of his/her parent(s) or legal guardian or who receives major financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent student takes the domicile of the parent with whom he/she lives or to whom he/she has been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student

maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

4.2. A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in this state for admission or fee payment purposes.

SECTION 5. Change of Residence

5.1. A person who has been classified as an out-of-state student and who seeks resident status in West Virginia must assume the burden of providing conclusive evidence that he/she has established domicile in West Virginia with the intention of making the permanent home in this State. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements, but also by that person's actions. In making a determination regarding a request for change in residency status, the designated institutional officer shall consider those actions referenced in Section 3 of these rules. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

SECTION 6. Military

6.1. An individual who is on full-time active military service in another state or a foreign country or an employee of the federal government shall be classified as an in-state student for the purpose of payment of tuition and fees: **Provided,** That the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia, and has at no time while in federal service claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.2. Persons assigned to full-time active military service in West Virginia and residing in the state shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

SECTION 7. Aliens

7.1. An alien who is in the United States on a resident visa or who has filed a petition for naturalization in the naturalization court, and who has established a bona fide domicile in West Virginia as defined in Section 3 of

these rules, may be eligible for in-state residency classification: **Provided,** That person is in the state for purposes other than to attempt to qualify for residency status as a student. Political refugees admitted into the United States for an indefinite period of time and without restriction on the maintenance of a foreign domicile may be eligible for an in-state classification as defined in Section 3 of these rules. Any person holding a student or other temporary visa cannot be classified as an in-state student.

SECTION 8. Former Domicile

8.1. A person who was formerly domiciled in the State of West Virginia and who would have been eligible for an in-state residency classification at the time of his/her departure from the state may be immediately eligible for classification as a West Virginia resident provided such person returns to West Virginia within a one (1) year period of time and satisfies the conditions of Section 3 of these rules, regarding proof of domicile and intent to remain permanently in West Virginia.

SECTION 9. Appeal Process

9.1. Each institution shall establish procedures which provide opportunities for students to appeal residency classification decisions with which they disagree. The decisions of the designated institutional official charged with the determination of residency classification may be appealed in accordance with appropriate procedures established by the president of the institution. At a minimum, such procedures shall provide that:

9.1.1. An institutional committee on residency appeals will be established to receive and act on appeals of residency decisions made by the designated institutional official charged with making residency determinations.

9.1.1.1. The institutional committee on residency shall be comprised of members of the institutional community, including faculty and at least three, in any event, an odd number. The student representative(s) shall be appointed by the president of the institutional student government association while the faculty representative(s) shall be selected by the campus-wide representative faculty organization.

9.1.1.2. The student contesting a residency decision shall be given the opportunity to appear before the institutional committee on residency appeals. If the appellant cannot appear when the committee convenes a meeting, the appellant has the

option of allowing committee members to make a decision on the basis of the written materials pertaining to the appeal or waiting until the next committee meeting.

9.1.2. The residency appeal procedures will include provisions for appeal of the decision of the institutional committee on residency appeals to the president of the institution.

9.1.3. Residency appeals shall end at the institutional level.