A meeting of the Executive Committee of the Board of Trustees of the University of Vermont and State Agricultural College was held on Thursday, July 9, 2015 at 10:45 a.m., in Memorial Lounge, 338 Waterman Building.

MEMBERS PRESENT: Chair Debbie McAneny*, Vice Chair David Daigle*, Secretary Joan Lenes*, President Thomas Sullivan, Bill Botzow*, and Frank Cioffi*,

MEMBERS ABSENT: Dale Rocheleau

REPRESENTATIVES PRESENT: None

REPRESENTATIVES ABSENT: Staff Council Representative Renee Berteau, Student Government Association Representative Jason Maulucci, Graduate Student Senate Representative Devin Champagne, Foundation Representative Chief Executive Officer (CEO) & President of the UVM Foundation Richard Bundy, and Faculty Representative Lisa Aultman-Hall

PERSONS ALSO PARTICIPATING: Vice President for Legal Affairs & General Counsel Francine Bazluke, Director of Federal Relations Wendy Koenig, and Coordinator of Student Veteran Services David Carlson

*via conference call.

Chair Debbie McAneny called the meeting to order at 10:47 a.m.

Approval of Minutes

Chair McAneny entertained a motion to approve the minutes from the June 15, 2015 meeting. The motion was made, seconded and it was voted to approve the minutes as presented.

Action Items

Coordinator of Student Veteran Services David Carlson introduced a resolution approving revisions to the Residency Policy. He explained that the Policy must be revised to bring the University into compliance with Section 702 of the federal Veterans Access, Choice, and Accountability act of 2014. He reminded members that he presented amendments to the Policy to the Committee in April to include Section 702 language from the Department of Veterans Affairs Central Office (VACO). VACO has since returned the Policy with additional language changes that were not available in April. These changes are technical and do not substantively change how the Policy has been implemented. The approval of these changes will allow UVM to
continuing certifying Post 9/11 and Montgomery GI Bill beneficiaries going forward without a delay of benefits.

An opportunity for questions was offered. There being none, Chair McAneny presented the resolution for approval:

**Resolution Approving Revisions to Residency Policy**

RESOLVED, that the Executive Committee hereby accepts technical corrections to the Residency Policy, including those required by the U.S. Department of Veterans Affairs to comply with Section 702 of the federal Veterans Access, Choice, and Accountability Act of 2014. The newly-revised policy appears as Appendix A to this resolution.

A motion was made, seconded and the following roll-call vote was taken: Bill Botzow – Yes, Frank Cioffi – Yes, David Daigle – Yes, Joan Lenes – Yes, Debbie McAneny – Yes and Tom Sullivan – Yes.

**Adjournment**

There being no further business, the meeting was adjourned at 10:49 a.m.

Respectfully submitted,

Joan Lenes, Secretary
Residency

Policy Statement

The Vermont Legislature has established a lower rate of tuition for students who are Vermont residents. These regulations define eligibility requirements for in-state status classification. All students at The University of Vermont and State Agricultural College (UVM) shall be assigned an in-state or out-of-state status classification consistent with these regulations. The establishment of domicile in Vermont is necessary, but not sufficient, for a student to qualify for in-state status.

Reason for the Policy

To define criteria for in-state residency status of students in accordance with Vermont Statute (Title 16, Chapter 75, section 2282).

Applicability of the Policy

This policy applies to all University of Vermont students.

Policy Elaboration

In-State Classification Rules

1. Domicile shall mean a person's true, fixed, and permanent home. It is the place at which one intends to remain indefinitely and to which one intends to return when absent.
2. In addition to establishing domicile, an in-state status applicant must reside in Vermont continuously for one full year prior to the semester for which in-state status is sought.
3. A residence or domicile established for the purpose of attending UVM shall not qualify a student for in-state status.
4. An in-state status applicant who applies for admission or registers for class within one year of first moving to the state shall have created a rebuttable presumption that residency
in Vermont is for the purpose of attending UVM and/or acquiring in-state status for tuition purposes.

5. A domicile or residency classification assigned by a public or private authority other than UVM neither qualifies nor disqualifies a student for UVM in-state status. Such classification may be taken into consideration, however, in determining the student's status at UVM.

6. It shall be presumed that a student who has not reached the age of majority (18) holds the domicile of his/her parents or legal guardian(s).

7. Receipt of financial support by a student from his/her family shall create a rebuttable presumption that the student's domicile is with his/her family, regardless of whether the student has reached the age of 18.

8. A student who has not reached the age of 18 whose parents are legally separated or divorced shall be rebuttably presumed to hold the domicile of the parent with legal custody.

9. A student of parents legally separated or divorced may be granted in-state status if a noncustodial or joint custodial parent is domiciled in Vermont and has contributed more than 50 percent of financial support for at least one year prior to the semester for which in-state status is sought.

10. The burden of proof as to eligibility for in-state status rests with the student. Eligibility must be established by clear and convincing evidence.

Residency Rules for Members of the Armed Forces and Their Family Members - In compliance with the Higher Education Opportunity Act, the following rules and definitions apply for members of the armed forces, their spouses and dependent children:

1. A member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in Vermont, or his or her spouse or dependent children, will be charged tuition at the in-state rate.

2. The member of the armed forces or his or her family member eligible for in-state tuition under this paragraph will continue to be eligible for in-state tuition as long as the individual is continuously enrolled, even if there is a subsequent change in the permanent duty station of the member to a location outside of the State of Vermont.

3. For purposes of this Rule for members of the armed forces the following definitions apply:
   a. “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.
   b. “Active duty for a period of more than 30 days” means active duty under a call or order that does not specify a period of 30 days or less.
   c. “Active duty” means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

Residency Rules for V. A. Beneficiaries – In compliance with section 702 of the Veterans Access, Choice, and Accountability Act of 2014, individuals using certain Department of
Veterans Affairs education benefits will be charged tuition at the in-state rate if the individual:

1. is a covered veteran using educational assistance under either chapter 30 (Montgomery G.I. Bill – Active Duty Program) or chapter 33 (Post-9/11 G.I. Bill), of title 38 United States Code, who lives in Vermont and enrolls in the University within three years of discharge from a period of active duty service of ninety days or more;
2. is a covered spouse or child of anyone using a veteran’s transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319), who lives in Vermont and enrolls in the University within three years of the transferor veteran’s discharge from a period of active duty service of ninety days or more; or
3. is a covered spouse or child of anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)), who lives in Vermont and enrolls in the University within three years of the Service Member’s death in the line of duty following a period of active duty service of ninety days or more.

After the expiration of the three year period following discharge or death as described in 38 U.S.C. § 3679(c), a student who initially qualifies under this subsection will continue to be charged tuition at the in-state rate as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at an institution, even if he/she enrolls in multiple programs.

Definitions

In-state status: eligible for Vermont resident tuition rate

Procedures

In-State Status Classification Documentation:

1. The student must submit with the Application for In-State Status all relevant information.
2. The classification decision shall be made by the Residency Officer based upon information furnished by the student, information requested of the student, and other relevant information available consistent with University policies and procedures and legal guidelines.
3. Additional documents and/or verification may be requested.
4. The student's failure to produce information requested may adversely affect the decision for in-state status.
5. A student or others furnishing information may request the deletion of irrelevant private data from documents.
6. A determination of in-state status is valid only if a student actually enrolls for the semester in question. If a student does not enroll, they must submit a new and timely Application for In-State Status for subsequent semesters.
Appeal of In-State Status Classification:

The decision of the Residency Officer must be appealed in writing to the Residency Appellate Officer within thirty calendar days of the date of the Residency Officer's written decision. Appeal to the Residency Appellate Officer is the final internal appeal at UVM.

In-State Status Reclassification:

1. A student who does not qualify for in-state status classification may reapply for such classification once each semester by submitting the Application for In-State Status to the Residency Officer.

2. In-state status reclassification becomes effective for the semester for which the successful application was made, provided that the Application for In-State Status was received on or before the last day to add/drop classes for that semester. An application may be submitted as early as 75 days in advance of the first day of classes for a semester or as requested by the Residency Officer. Approved residency reclassification will not be applied retroactively to previous terms.

Re-Examination of Classification Status:

Classification status may be re-examined upon the initiative of the Residency Officer in the exercise of sound discretion. Circumstances such as periodic enrollment may be cause for re-examination. An in-state student who leaves Vermont may be required to re-apply and re-establish residency upon returning.

Forms

Application for In-State Status
http://www.uvm.edu/~rgweb/forms/download/app_in_state.pdf

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:

Residency Officer
Registrar@uvm.edu
802-656-8515

Residency Appellate Officer
Residency.Appeals@uvm.edu
802-656-1394 2045

The Vice President for Enrollment Management is the official responsible for the interpretation and administration of this policy.
Related Documents / Policies

None

Effective Date

Accepted:

Stacey Kostell
Vice President for Enrollment Management

Approved:

E Thomas Sullivan
President

Approved:

Deborah H. McAneny
Board of Trustees Chair