



Understanding Residence Status for Tuition Purposes

East Carolina University

Office of the Registrar

This document is designed to provide a quick reference to students who are interested in applying for resident tuition status at East Carolina University. This summary provides general information only.

Residency status for the purpose of determining tuition charges at a public institution of higher education in the state of North Carolina is governed by the North Carolina General Statutes. Specifically, state law applicable to tuition and fees at state-supported institutions is contained in Article 14, section 116-143 et seq., of the General Statutes of North Carolina. To qualify for in-state tuition a legal resident must have maintained his or her domicile in North Carolina for at least the 12 months immediately prior to his or her classification as a resident for tuition purposes. In order to be eligible for such classification, the individual must establish that his or her presence in the state during such twelve-month period was for purposes of maintaining a bona fide domicile rather than for purposes of mere temporary residence incident to enrollment in an institution of higher education; further, (1) if the parents (or court-appointed legal guardian) of the individual seeking resident classification are (is) bona fide domiciliaries of this state, this fact shall be prima facie evidence of domiciliary status on the individual applicant and (2) if such parents or guardian are not bona fide domiciliaries of this state, this fact shall be prima facie evidence of non-domiciliary status of the individual.

University regulations concerning the classification of students by residence, for purposes of applicable tuition differentials, are set forth in detail in *A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes*. Each enrolled student is responsible for knowing the contents of that *Manual*, which is the controlling administrative statement of policy on this subject. The *Manual* is on reserve at Joyner Library and online at <http://www.ecu.edu/cs-acad/registrar/Residency.cfm>.

Burden of Proof

Obtaining in-state residency for tuition purposes is not automatic. A student seeking classification as a resident for

tuition purposes must complete a Residence and Tuition Status Application and is responsible for supplying all additional information and/or documents requested by the University in connection with the classification process.

Minors

Individuals under eighteen years of age are minors and usually have the domicile of their parents. If a minor's parents are divorced, separated, or living apart, a minor may still be considered a legal resident if one parent (1) is a North Carolina resident, (2) is entitled to claim the minor as a dependent on a North Carolina tax return, and (3) claims the minor as a dependent. If a minor qualifies as a legal resident under these circumstances, the minor will not lose residence status if, after turning eighteen, he or she enrolls in a North Carolina institution of higher education. Enrollment must take place by the next fall term following the completion of education prerequisites for admission to the University. The individual must demonstrate an intent to establish residency in North Carolina.

Parents'/Guardian's Domicile

Generally, the University may presume that a student's domicile will be the same as the parents' domicile. That presumption may or may not be supported by other information, including, but not limited to, the student's marital status and whether the student has obtained a decree of judicial emancipation.

General Considerations

Factors that may be considered in the University's consideration of residency for tuition purposes: where a student lives, has voted, has registered to vote, has registered a car, has acquired a driver's license, and has filed state income taxes; where a student maintains personal property and a home or other real property and pays taxes on that property; where a student is employed; where a student spends substantial parts of available vacation time; where a student maintains membership in one or more professional associations, unions, and other organizations; and where a

student last attended or graduated from high school and resided before enrolling in an institution of higher education. Please note that this is not a checklist – the residency decision is based on the totality of the circumstances relating to a given student’s situation.

Special rules apply for minors, members of the armed forces, federal personnel, aliens, and prisoners.

Effect of Marriage

Marriage alone does not prevent or ensure obtaining residence for tuition purposes. Information about the marriage and the legal residence of the spouse may be relevant in determining intent. One spouse may benefit from the residency of the other spouse, if one spouse is a legal resident of North Carolina and has met the twelve-month legal residence requirement.

Military Personnel

A legal resident of North Carolina who serves in the armed forces on active duty outside the state does not lose North Carolina resident status solely by virtue of such service. Likewise, individuals in the military who are stationed in North Carolina may establish residency in North Carolina or may retain residency in another state. Individuals in the military who are stationed in North Carolina on active duty and their dependents, who do not qualify as residents for tuition purposes, may be eligible for the Military Tuition Benefit, which is equivalent to the in-state tuition rate.

Grace Period

A person who has been a legal resident of North Carolina and has been classified as a resident for tuition purposes who subsequently loses North Carolina legal residency while enrolled at the University may continue to enjoy the in-state tuition rate for a grace period of twelve months beginning with the date on which North Carolina legal residency was lost. If the twelve-month grace period ends during the academic term for which the person is enrolled, the grace period extends to the end of that term. A person who effects a change in legal residence during a period while not enrolled is not entitled to the benefit of the grace period. The fact of marriage to one who resides outside of North Carolina does not, by itself, cause loss of legal residence.

Lost but Regained Domicile

If a student who has been classified as a resident for tuition purposes ceases enrollment or graduates from the University, he or she may reenroll at the in-state tuition rate without having to meet the usual twelve-month durational requirement if the requirements for lost but regained domicile are met. To qualify, the student must (1) abandon and then later reacquire North Carolina domicile within a twelve-month period and (2) continue to maintain the reestablished domicile at the time of the academic term(s) for which in-state tuition status is sought. A student may receive the benefit of this provision only once.

Change of Status/Reclassification

A residence status classification may be changed, with a corresponding change in billing rates, on a semester-by-semester basis. Changes in circumstances that may affect classification must be reported in writing to Residency Determination, Office of the Registrar, East Carolina University, Greenville, NC 27858-4353. The University may initiate the reclassification inquiry independently at any time after the occurrence of material events or changes in facts that give rise to a reasonable doubt about the validity of the existing residential classification.

Transfer Students

When a student transfers from one North Carolina public institution of higher education to another, the student is treated as a new student by the institution to which he or she is transferring and must be assigned an initial residence status classification for tuition purposes.

Fraudulent Applications

If a student is classified a resident for tuition purposes after submitting falsified residency information or after knowingly withholding residency information, the student's application for in-state tuition status is fraudulent. The institution may reexamine any application suspected of being fraudulent.

General Statutes for Determining Legal Residence for Tuition Purposes and Tuition of Personnel in Armed Services Stationed in North Carolina

§ 116-143.1. Provisions for determining resident status for tuition purposes.

(a) As defined under this section:

(1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.

(2) A "resident for tuition purposes" is a person who qualifies for the in-state tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-state tuition rate.

(3) "institution of higher education" means any of the constituent institutions for the University of North Carolina and the community colleges and technical institutes under the jurisdiction of the North Carolina State Board of Education.

(b) "To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident status shall be required to make a statement as to his length of residence in the state. When determining whether an applicant qualifies as a resident for tuition purposes, a classifying institution shall ascertain legal residence using the common-law principles of domicile unless expressly prohibited under this section of the General Statutes."

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the state currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere

temporary residence or abode incident to enrollment in an institution of higher education.

(d) An individual shall not be classified as a resident for tuition purposes and, thus, not rendered eligible to receive the in-state tuition rate, until he or she has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which the individual seeks the in-state tuition rate.

(e) When an individual presents evidence that the individual has living parent(s) or a court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be prima facie evidence of the individual's legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence required of or presented by the individual; provided, that the legal residence of an individual whose parents are domiciled outside this state shall not be prima facie evidence of the individual's legal residence if the individual has lived in this state the five consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought. Notwithstanding any other provision of the law, the common-law principles of domicile concerning the domicile of a minor shall apply to this subsection.

(f) In making domiciliary determinations related to the classification of persons as residents or nonresidents for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For purposes of this section:

(1) No person shall be precluded, solely by reason of marriage to a person domiciled outside North Carolina, from establishing or maintaining legal residence in North Carolina and subsequently qualifying or continuing to qualify as a resident for tuition purposes;

(2) No person shall be deemed, solely by reason of marriage to a person domiciled in North Carolina, to have established or maintained a legal residence in North Carolina and subsequently to have qualified or continued to qualify as a resident for tuition purposes;

(3) In determining the domicile of a married person, irrespective of sex, the fact of marriage and the place of domicile of his or her spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent. (g) Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries one who later becomes a legal resident, may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediate precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.

(g) Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries one who later becomes a legal resident, may upon becoming a legal resident of this state, accede to the benefit of the spouse's immediate precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.

(h) No person shall lose his or her resident status for tuition purposes solely by reason of serving in the armed forces outside this state.

(i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in a state institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-state tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months;

provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that the 12-month period ends during a semester or academic term in which such a former resident is enrolled at a state institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term.

(j) Notwithstanding the prima facie evidence of legal residence of an individual derived pursuant to subsection (e), notwithstanding the presumptions of the legal residence of a minor established by common law, and notwithstanding the authority of a judicially determined custody award of a minor, for purposes of this section, the legal residence of a minor whose parents are divorced, separated, or otherwise living apart shall be deemed to be North Carolina for the time period relative to which either parent is entitled to claim and does in fact claim the minor as a dependent pursuant to the North Carolina individual income tax provisions of G.S. 105-149(a)(5). The provisions of this subsection shall pertain only to a minor who is claimed as a dependent by a North Carolina legal resident.

Any person who immediately prior to his or her eighteenth birthday would have been deemed under this subsection a North Carolina legal resident but who achieves majority before enrolling at an institution of higher education shall not lose the benefit of this subsection if that person:

(1) upon achieving majority, acts, to the extent that the person's degree of actual emancipation permits, in a manner consistent with bona fide legal residence in North Carolina; and

(2) begins enrollment at an institution of higher education not later than the fall academic term next following completion of education prerequisite to admission at such institution.

(k) Notwithstanding other provisions of this section, a minor who satisfies the following conditions immediately prior to commencement of an enrolled term at an institution of higher education, shall be accorded resident tuition status for that term:

(1) the minor has lived for five or more consecutive years continuing to such term in North Carolina in the home of an adult relative, other than a parent, domiciled in this state; and

(2) the adult relative has functioned during those years as a de facto guardian of the minor and exercised day-to-day care, supervision, and control of the minor.

A person who immediately prior to his or her eighteenth birthday qualified for or was accorded resident status for tuition purposes pursuant to this subsection shall be deemed upon achieving majority to be a legal resident of North Carolina of at least 12 months duration; provided, that the legal residence of such an adult person shall be deemed to continue in North Carolina only so long as the person does not abandon legal residence in this state.

(l) Any person who ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes and subsequently abandons North Carolina domicile shall be permitted to reenroll at an institution of higher education as a resident for tuition purposes without necessity of meeting the 12-month duration requirement of this section if the person reestablished North Carolina domicile within 12 months of abandonment of North Carolina domicile and continuously maintains the reestablished North Carolina domicile at least through the beginning of the academic term(s) for which in-state tuition status is sought. The benefit of this subsection shall be accorded not more than once to any one person.

[Note: The North Carolina State Board of Education, referred to in G.S. 116-143.1(1)(3), ceased to exist on April 26, 1979, and its

jurisdiction over the community colleges and technical institutes was assumed on that date by the State Board of Community Colleges pursuant to the provisions of Chapters 462, 896, and 1130, 1979 Session Laws.]

(m) Notwithstanding subsection (b) of this section, a person who is a full-time employee of The University of North Carolina, or is the spouse or dependent child of a full-time employee of The University of North Carolina, and who is a legal resident of North Carolina, qualifies as a resident for tuition purposes without having maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes.

§ 116-143.3. Tuition of active duty personnel in the armed services.

(a) Definitions. - The following definitions apply in this section:

1. The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.
2. The term "armed services" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing.

The term "tuition assistance" shall be used as defined in the United States Department of Defense Directive 1322.8, implementing 10 U.S.C. § 2007.

(b) Any active duty member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged in-State tuition rate and applicable mandatory fees for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State. In the event the active duty member of the armed services is reassigned outside of North Carolina, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned.

(b1), (b2) Repealed by Session Laws 2004-130, s.1, effective August 1, 2004.

(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services is reassigned outside of North Carolina, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned.

(d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefore.

(e) A person charged less than the out-of-state tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefit of G.S. 116-

143.1(g), (h), (i), (j), (k), or (l). (1983 (Reg. Sess., 1984), c. 1034, s 57; 1985, c. 39, s. 1; c. 479, s. 69; c. 757, s. 154; 1987, c. 564, § 7; 1997-443, s. 10.2; 2003-284, s. 8.16(a); 2004-130,s.1.)

§ 116-143.4 Admissions status of persons charged in-state tuition.

A person eligible for the in-state tuition rate pursuant to this Article shall be considered an in-state applicant for the purpose of admission; provided that, a person eligible for in-state applicant for the purpose of admission only if at the time of seeking admission he is enrolled in a high school located in North Carolina or enrolled in a general education development (GED) program in an institution located in this state. (1989 (Reg. Sess., 1990), c. 907, s.1.)

§ 116-143.5 Tuition of certain teachers.

Notwithstanding G.S. 116-143.1, any teacher or other personnel paid on the teacher salary schedule who (i) has established legal residence (domicile) in North Carolina and (ii) is employed full-time by a North Carolina public school, shall be eligible to be charged the in-state tuition rate for courses relevant to teacher certification or to professional development as a teacher. (1997-443, s. 8.22(c).)

§ 116-43.10 Academic Common Market program

(a) The Southern Regional Education Board operates an Academic Common Market program. Under this program, qualified students from participating states may apply to attend programs at public universities in participating states that are not available in their home state's universities system. North Carolina's participation for graduate programs provides a cost-effective means of offering educational access for North Carolina residents. North Carolinians are able to attend graduate programs that are not available at The University of North Carolina at reduced rates, and the State avoids the cost associated with the development of new academic programs.

(b) The Board of Governors of The University of North Carolina may continue participation in the Southern Regional Education Board's Academic Common Market at the graduate program level. The Board of Governors shall examine the graduate programs offered in The University of North Carolina System and select for participation only those graduate programs that are likely to be unique or are not commonly available in other Southern Regional Education Board states. Out-of-state tuition shall be waived for students who are residents of other Southern Regional Education Board states and who are participating in the Academic Common Market program. If accepted into The University of North Carolina graduate programs that are part of the Academic Common Market, these students shall pay in-state tuition and shall be treated for all purposes of The University of North Carolina as residents of North Carolina.

(c) Once a student is enrolled in The University of North Carolina System under the Academic Common Market program, the student shall be entitled to pay in-State as long as the student is enrolled in that graduate program. The Board of Governors shall provide a report on the Academic Common Market program to the Joint Legislative Education Oversight Committee by September 2007 and each biennium thereafter.

East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, gender, age, sexual orientation, or disability. An equal opportunity/affirmative action employer, which accommodates the needs of individuals with disabilities.