

AACR 3

Office of the President
March 6, 2007

Members, Board of Trustees:

PROPOSED AMENDMENTS TO ADMINISTRATIVE REGULATION:
NON-RESIDENT FEE COMMITTEE

Recommendation: that the Board of Trustees approve the attached revisions to Administrative Regulation III-1.1-4, Non-Resident Fee Committee. The proposed revisions are intended to make the Administrative Regulation more consistent with regulations promulgated by the Council on Postsecondary Education (CPE) and with current university organization.

Background: Kentucky Revised Statute 164.020(8) requires the Council on Postsecondary Education to determine tuition and approve the minimum qualifications for admission to a state-supported postsecondary education institution and authorizes CPE to set different tuition rates for residents of Kentucky and for nonresidents.

Kentucky Revised Statute 164.030 requires the governing board of each of the state postsecondary educational institutions to make changes in the rules and regulations affecting their schools as are necessary to carry out the rulings of the Council on Postsecondary Education in regard to entrance fees and qualifications for admission.

Kentucky Administrative Regulation 13 KAR 2:045, promulgated by the Council on Postsecondary Education, establishes the procedure and guidelines for determining the residency status of a student who is seeking admission to a state-supported postsecondary institution, or a student who is enrolled and seeks a change in his or her residency classification.

A revised copy of AR III-1.1-4 is attached. Language being deleted is marked through and printed in blue and language being inserted is underlined and printed in red. Noted revisions to the regulation are as follows:

- The title of the committee is changed from “Non-Resident Fee Committee” to “Residency Review Committee” to conform to the regulations of the Council on Postsecondary Education and to clarify the committee’s purpose.
- Two of the four required committee members are changed from ex-officio members to at-large members of the “faculty and staff” to allow the provost

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	DATE EFFECTIVE <u> / /07</u>	SUPERSEDES REGULATION DATED 6/15/89 3/19/92 9/23/04 6/11/96 9/21/99 <u>12/13/05</u>

~~NON-RESIDENT FEE COMMITTEE~~ **RESIDENCY REVIEW COMMITTEE**

(Approved By the Board of Trustees)

I. Introduction

The University is required to determine, pursuant to criteria established by 13 KAR 2:045 each student's residency status for purposes of tuition. 13 KAR 2:045 also requires the University to provide for an administrative appeals process to consider student appeals of a residency determination, designate a residency appeals officer, and establish a residency review committee to consider appeals of residency determinations by the residency appeals officer.

II. Application for Change of Residency

A. Application for change of residency classification by a student enrolled in or an applicant to a program at the University ~~of Kentucky~~ shall be made in writing to the Residency Officer in the Office of the Assistant Provost for Enrollment Management for initial consideration.

B. The Residency Officer, a member of the Office of the Assistant Provost for Enrollment Management, is selected by the Assistant Provost for Enrollment Management and will serve as the Residency Officer as part of his or her job description.

C. Residency determinations shall be based on regulations promulgated by the Council on Postsecondary Education.

D. The Assistant Provost for Enrollment Management will not participate in the initial determination by the Residency Officer. The decision of the Residency Officer, if adverse to the applicant, may be appealed to the ~~Non-Resident Fee Committee~~ Residency Review Committee.

III. Residency Review Committee – Authority, Membership, and Quorum

A. The Residency Review Committee shall consider appeals from students whose requests for change in residency status have been denied by

~~the Residency Officer. Residency appeals shall be based on regulations promulgated by the Council on Postsecondary Education.~~

B. The Committee shall have authority to establish procedural rules, consistent with Governing Regulations and approved by the Provost and to schedule meetings. ~~The Committee shall have authority to adopt by laws, establish procedural rules, and to schedule meetings.~~

C. The Non-Resident Fee Committee ~~Residency Review Committee~~ is appointed by the President ~~of the University of Kentucky~~ and reports to the Provost.

D. The Committee shall be comprised of four members:

1. Two members shall be recommended by the Provost ~~the from among the faculty and staff, Associate Provost for Academic Affairs, the Assistant Provost for Enrollment Management (who may not also be the is not the Residency Officer).~~

2. One ~~a~~ faculty member shall be recommended ~~nominated~~ by the University Senate. ~~and one student.~~ The University Senate shall recommend ~~will forward a list of~~ three (3) faculty members to the President, who will select a member of the Committee from among those named on this list.

3. One member shall be a student.

E. The chair shall be designated by the Provost ~~from the Committee members.~~ Faculty and staff ~~The faculty members normally~~ shall have a three-year appointment. The student member shall have a one-year appointment. Members may serve consecutive terms.

F. Three members shall be necessary for Committee action, and three members shall constitute a quorum. A majority of the Committee members present shall be necessary for any decision.

IV. Residency Review Committee - Procedures

A. The Provost shall provide professional and administrative support for the Residency Review Committee, including but not limited to recording and preserving the minutes of Committee meetings, processing applications on appeal, and presenting the applications at Committee meetings.

B. ~~A student may be invited to attend, or a~~ ~~A~~-student may request the opportunity to attend, a meeting of the ~~Non-Resident Fee Committee~~Residency Review Committee that is considering his or her case by contacting the Chair of the Committee.

C. ~~If invited,~~ ~~T~~he student may bring one advisory to the meeting. ~~but the student shall present his or her case.~~The role of the advisor shall be limited to providing advice to the student. Even if accompanied by an advisor, a student shall present his or her case and personally respond to inquiries from the Committee. In consideration of the limited role of an advisor and of the compelling interest of the University to expeditiously conclude the matter, a Committee meeting shall not, as a general practice, be delayed due to the unavailability of an advisor.

D. The Residency Review Committee shall base its decision on regulations promulgated by the Council on Postsecondary Education. The applicant shall be notified in writing as to the Committee's decision on the applicant's appeal.

E. If the applicant considers the decision of the Committee to be unsatisfactory, the applicant may request a formal hearing by contacting the Chair of the ~~Non-Resident Fee Committee~~Residency Review Committee in writing within fourteen (14) days after receipt of the written notification.

V. Formal Residency Appeals Hearings

A. The Provost is authorized to appoint or employ a hearing officer to preside over formal residency hearings and shall arrange a formal hearing on a timely basis. The formal hearing shall include guarantees of due process including the right of a student to be represented by legal counsel and the right of the student to present information and testimony in support of a claim of Kentucky residency. The Hearing Officer shall have the authority to establish procedural rules for hearings. The Residency Office shall have the right to present information to the Hearing Officer.

B. The Hearing Officer shall make a recommendation to the Provost. The Provost shall decide the appeal and notify the student in writing.

C. The Office of Legal Counsel shall advise the Residency Officer and the ~~Non-Resident Fee Committee~~Residency Review Committee, on legal matters, including but not limited to interpretation of the regulations promulgated by the Council on Postsecondary Education, procedural questions, and applicable laws, cases, and regulations, and shall represent the University in formal hearings.

D. The ~~Non-Resident Fee Committee~~Residency Review Committee shall submit an annual report on its activities to the Provost.

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References: KRS 164.020(8); KRS 164.030; 13 KAR 2:045

more flexibility in appointing the committee and to conform to current university organization.

- Formatting changes are needed to update the regulation and make it consistent with other university Administrative Regulations.

Action taken: Approved Disapproved Other _____