

ADMINISTRATIVE PRACTICE LETTER

Section IV-G
Issue 4
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Effective 8/14/07

SUBJECT: RESIDENCY GUIDELINES

There are many factors which will be considered in determining residency for in-state tuition purposes. No one factor can be used to establish domicile, rather all factors and circumstances must be considered on a case-by-case basis. A domicile or residency classification assigned by a public or private authority neither qualifies nor disqualifies a student for UMS in-state status.

A student applying for admission to a degree program is classified as eligible, or not eligible, for in-state tuition at the time of acceptance to the University. A non-matriculated (non-degree) student is classified as eligible, or not eligible, for in-state tuition at the time of registration. The decision, made by the campus Chief Financial Officer, or other officials designated by the campus, shall be made based on information and documentation furnished by the student and other information available to the University. No student is eligible for in-state tuition classification until he or she has become domiciled in Maine, in accordance with University guidelines, before such registration. If the student is enrolled full-time in an academic program, as defined by the University, it will be presumed that the student is in Maine for educational purposes, and that the student is not in Maine to establish a domicile. A residence established for the purpose of attending a UMS campus shall not by itself constitute domicile. The burden will be on the student to prove that he or she has established a Maine domicile for other than educational purposes.

In general, the following criteria will be used to determine residency:

1. An individual who has lived in the State of Maine, for other than educational purposes, one year prior to registration or application to the University is considered an in-state student.
2. A student who is dependent on his/her parent(s) and/or legally appointed guardian (or to whom custody has been granted by court order) is considered to have a domicile with the parent(s) for tuition purposes.
3. A student will be considered in-state for tuition purposes if they are the spouse or domestic partner of an individual who currently has continuous, permanent full-time employment in Maine and their employment began prior to the student registering or applying for degree status at the University. Students seeking in-state tuition based on a domestic partnership relationship must submit an approved Affidavit of Domestic Partnership.
4. A student will be considered in-state for tuition purposes if they are the spouse or domestic partner of an individual who has resided in Maine, for other than educational purposes, one year prior to the student registering or applying for degree status at the University. Students seeking in-state tuition based on a domestic partnership relationship must submit an approved Affidavit of Domestic Partnership.
5. Members of the Armed Forces and their dependents, including spouse or domestic partner, will be granted in-state tuition during such periods of time as they are stationed on active duty within the State of Maine or if their Military State of residency is Maine as evidenced by appropriate official documentation. Individuals who have been granted in-state tuition under these conditions but then cease from active duty would continue to be granted in-state tuition. A Maine resident who is absent from the State for military or full-time educational purposes will normally remain eligible for in-state tuition. Students seeking in-state tuition based on a domestic partnership relationship must submit an approved Affidavit of Domestic Partnership (**see attached**).
6. In-state tuition is not available to anyone who holds a non-immigrant U.S. visa. If an individual is not a domiciliary of the United States, they cannot be a domiciliary of the State of Maine.

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7. A student who attended an out-of-state educational institution at in-state tuition rates in the immediately preceding semester, shall be presumed to be in Maine for educational purposes and not to establish a domicile. Normally such students must wait one semester before attaining in-state status. Again, the burden will be on the individual to prove that he or she has established a Maine domicile for other than educational purposes.

To change tuition status, the following procedures are to be followed:

- A. A "Request for Change in Tuition Status" must be filed with the campus Chief Financial Officer or designee on or before the campus's first day of classes for the summer session, fall or spring semester for which residency is requested. Applications may not be retroactive.
- B. The campus Chief Financial Officer (or such other designated official) shall issue a written decision within 30 days.
- C. The student may appeal the decision of the Chief Financial Officer (or such other designated official) in writing within 30 days to the President (or designee) of the campus.
- D. The President (or designee) will issue a **final** decision within 30 days.

In the event that the campus Chief Financial Officer, or other designated official, possesses facts or information indicating a student's change of status from in-state to out-of-state, the student shall be informed in writing of the change in status and will be given an opportunity to present facts in opposition to the change. The student may appeal the decision of the Chief Financial Officer or other designated official as set forth in the preceding paragraph.

APPROVED:

Chief Financial Officer and Treasurer



AFFIDAVIT OF DOMESTIC PARTNERSHIP

We, _____ and _____
certify that we are domestic partners in accordance with the following criteria and eligible for in-state tuition (in accordance with the provisions of Administrative Practice Letter 34) and/or student health insurance programs:

1. We are each other's sole domestic partner and intend to remain so indefinitely.
2. We are jointly responsible for each other's common welfare, share financial obligations, and share our primary residence. We have resided together for at least six (6) continuous months prior to the date of this affidavit. We will provide evidence of joint responsibility. Joint responsibility may be demonstrated by the existence of either (check I or II):
 - _____ I. A civil union licensed under state law (civil union is defined as a legally recognized union between same sex partners), OR
 - _____ II. Two or more of the following (please check at least two items that apply):
 - _____ A. Domestic Partnership Agreement or Relationship Contract.
 - _____ B. Joint mortgage or joint ownership of primary residence.
 - _____ C. Two of:
 - _____ 1. Joint ownership of motor vehicle.
 - _____ 2. Joint checking account.
 - _____ 3. Joint credit account.
 - _____ 4. Joint lease.
 - _____ D. The Domestic Partner has been designated as a beneficiary for employee's will, retirement contract, or life insurance.
3. We are:
 - not married to anyone, and
 - each at least eighteen (18) years of age, and
 - mentally competent to consent to contract, and
 - not related by blood to a degree of closeness, which would prohibit marriage in the State of Maine.

We understand that domestic partners are subject to the other eligibility provisions of the University's in-state tuition policy and/or student health insurance plan.

The student agrees to notify the University in writing within thirty-one (31) days of any termination of our domestic partnership. A written termination statement shall affirm that the partnership is terminated and that a copy of the termination statement has been mailed to the other partner.

We certify that the foregoing is true and correct. We, the undersigned student of the University of Maine System and the Domestic Partner, understand that falsification of information contained in this Affidavit may lead to disciplinary action and may subject us to civil action to recover any losses, including reasonable attorney's fees, in addition to an obligation to repay benefits received.

Note: Signing of this Affidavit may affect important legal rights. Please consult your attorney.

Signature of Student Date:_____.

Certified, subscribed and sworn to before me this _____ day of _____, _____

STATE OF MAINE

County of _____

Notary Public

[SEAL]

My commission expires:_____

Signature of Domestic Partner Date:_____.

Certified, subscribed and sworn to before me this _____ day of _____, _____

STATE OF MAINE

County of _____

Notary Public

[SEAL]

My commission expires:_____

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The Affidavit and accompanying documentation have been reviewed.

Eligibility:

Approved

Not Approved

Signature of Approving Officer Date:_____.

Printed Name

Title