

**SOUTHWEST TENNESSEE COMMUNITY
COLLEGE**

**SUBJECT: Regulations for Classifying Students In-State or Out-of-State
for the Purpose of Payment of College Fees and Tuition**

EFFECTIVE DATE: July 1, 2000; Revised September 6, 2013; Revised April 25, 2023

Purpose

The purpose of this policy is to establish the procedures by which Southwest Tennessee Community College (“Southwest” or “the College”) determines in-state and out-of-state fees and tuition.

Definitions

Public Higher Educational Institution- a community college or college of applied technology supported by appropriations made by the Tennessee Legislature.

Residence- continuous physical presence and maintenance of a dwelling place within the state of Tennessee, notwithstanding absence from Tennessee for short periods of time, which shall not affect the establishment of a residence.

Domicile- true, fixed, and permanent home and place of habitation- the place where a person intends to remain and to which they expect to return when they leave without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee regardless of length of residence in the state.

Emancipated person- a person who has attained the age of eighteen (18) years or whose parents have entirely surrendered the right to the care, custody, and earnings of such person and are no longer under any legal obligation to support or maintain them.

Parent- a person’s father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then “parent” shall mean guardian or legal custodian provided that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

Continuous enrollment- official registration at a public higher educational institution or institution of the State of Tennessee as a full-time student, as such term is defined by the governing body of said public higher educational institution(s), for a normal academic year, years, or the appropriate portion(s) thereof since the beginning of the period for which continuous enrollment is claimed. The person need not enroll in summer sessions or other such intersessions beyond the normal academic year for enrollment to be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of commencement and/or termination of the academic years,

or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Policy

- I. Determining Status
 - A. Every person having domicile in Tennessee shall be classified “in-state” for fee and tuition purposes and for admission purposes.
 - B. Every person who does not have domicile in Tennessee shall be classified “out-of-state” for fee and tuition purposes and for admission purposes.
 - C. The domicile of an unemancipated person is that of their parent, except as provided in subsection E.
 - D. Unemancipated students of divorced parents shall be classified “in-state” when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in subsection E.
 - E. A student is classified “in-state” for fee and tuition purposes if the student is a citizen of the United States (regardless of their parent or guardian citizenship status), has resided in Tennessee for at least one (1) year immediately prior to admission, and has:
 1. graduated from a Tennessee public secondary school;
 2. graduated from a private secondary school that is located in Tennessee; or
 3. earned a Tennessee high school equivalency diploma.
 - F. The spouse of a student classified as “in-state” shall also be classified as “in-state” subject to the requirements of T.C.A. § 4-58-101 et seq.
- II. Out-of-State Students who are not Required to Pay Out-of-State Tuition
 - A. A currently enrolled unemancipated student shall be reclassified out-of-state if the parent, having theretofore been domiciled in Tennessee, removes from the State. However, such student shall not be required to pay out-of-state tuition or be treated as an out-of-state student for admission purposes if enrollment at a public higher educational institution or institutions is continuous.
 - B. A person, who is not domiciled in Tennessee, but has a bona fide place of residents in a county adjacent to the Tennessee state line and that is also within a thirty (30) mile radius of Memphis (as determined by the Tennessee Higher Education Commission (THEC)), shall be classified “out-of-state”, but admitted without tuition. Southwest may admit only up to three percent (3%) of the full-time equivalent attendance of the College without

tuition. (THEC may adjust the number of non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102).

- C. Part-time students who are not domiciled Tennessee but who are employed full-time in the State shall be classified “out-of-state” but shall not be required to pay out-of-state tuition. This shall also apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment.
- D. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)
- E. Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that term shall not be required to pay out-of-state tuition.
- F. Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.
- G. Military and Veterans
 - 1. An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or Fort Campbell, Kentucky pursuant to military orders shall be classified “out-of-state” but shall not be required to pay out-of-state tuition. Such person, while in continuous attendance toward the degree for which they are currently enrolled, shall not be required to pay out-of-state tuition if the parent thereafter is transferred on military orders.
 - 2. Part-time students who are stationed at Fort Campbell shall be classified “out-of-state” but shall not be required to pay out-of-state tuition.
 - 3. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall not apply to spouses who are stationed in Tennessee primarily for educational purposes.
 - 4. Veterans, active-duty military personnel, reservists, members of the national guard, and ROTC program cadets, regardless of residence and regardless of whether using Veterans Administration benefits, will be classified as “in-state” when enrolled at Southwest.

5. A veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition or any out-of-state fee, when the veteran or other individual is:
 - a. Enrolled in any public institution of higher education in Tennessee;
 - b. Utilizing such benefits at Southwest; and
 - c. Living in Tennessee, regardless of the individual's formal state of residency.
(T.C.A. § 49-7-1304.)

H. Honors Programs

Students who are selected to participate in Southwest's Honors Program but classified "out-of-state" shall not be required to pay out-of-state tuition.

I. Presumption

Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in Tennessee while enrolled as a full-time student at a public or private higher educational institution in Tennessee as such status is defined by the institution.

J. Evidence to be Considered for Establishment of Domicile

If a person asserts that they have established domicile in Tennessee, they have the burden of proving that they have done so. The person is entitled to provide to the College evidence that they believe will sustain the burden of proof. The College will consider the evidence provided concerning the claim of domicile but will not treat a particular type or item of evidence as conclusive that domicile has or has not been established.

K. Appeal

The Registrar shall be the classification officer of Southwest and as such shall be responsible for initially classifying students "in-state" or "out-of-state." To appeal the initial classification, a student will complete an Application for Residency Classification form and present it along with supporting documentation to the Registrar.

L. Effective Date for Reclassification

1. If a student classified "out-of-state" applies for "in-state" classification and is subsequently so classified, the in-state classification shall be effective as of the date on which reclassification was sought.

2. Out-of-state tuition will be charged for any semester during which reclassification is sought and obtained unless application for reclassification is made to the Registrar on or before the last day of registration for the semester.

Source of Policy: VP Student Services & Enrollment Mngt

Related Policy: _____

Approved: _____
President

Responsible Administrator: VP of Student Affairs

TBR Policy Reference: 3.05.01.00; 3.03.00.00

Date: April 25, 2023