

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(ALL CAMPUSES)**

**CHAPTER 1720-1-1
RESIDENCY CLASSIFICATION**

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1720-1-1-.01 INTENT.

- (1) It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified “in-state” or “out-of-state” for fees and tuition purposes and for admission purposes.

***Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

1720-1-1-.02 DEFINITIONS. Wherever used in these regulations.

- (1) “Public higher education institution” shall mean a university or community college supported by appropriations made by the Legislature of this State.
- (2) “Residence” shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- (3) “Domicile” shall mean a person’s true, fixed, and permanent home and place of habitation; it is the place where he intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
- (4) “Emancipated person” shall mean a person who is no longer in the care, custody and control of his or her parent.
- (5) “Parent” shall mean a person’s father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then “parent” shall mean such 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 emancipated person.
- (6) “Continuous enrollment” shall mean enrollment at a public higher educational institution or institutions of this State as a full-time student, as such term is defined by the governing body of said public higher education institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed “continuous”. Enrollment shall be deemed continuous notwithstanding lapses in enrollment occasioned solely by the

(Rule 1720-1-1-.02, continued)

scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 19, 1995; effective February 28, 1996.

1720-1-1-.03 RULES FOR DETERMINATION OF STATUS.

- (1) Every person having his or her domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.
- (2) Every person not having his or her domicile in this State shall be classified "out-of-state" for said purposes.
- (3) The domicile of an unemancipated person is that of his or her parent. Unemancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee 1807, Chapter 64. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment October 19, 1995; effective February 28, 1996.

1720-1-1-.04 OUT-OF-STATE STUDENTS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION.

- (1) An unemancipated, currently enrolled student shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as his or her enrollment at a public higher educational institution or institutions shall be continuous.
- (2) An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell pursuant to military orders shall be classified out-of-state, but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.
- (3) A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University. Provided, however, that there be no teacher college or normal school within the non-resident's own state, of equal distance to said non-resident's bona fide place of residence.
- (4) Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.

(Rule 1720-1-1-.04, continued)

- (5) Military personnel and their spouses stationed in the State of Tennessee who should 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.
- (6) A person who is domiciled in the Kentucky counties of Fulton, Hickman, or Graves shall be classified out-of-state and shall not be required to pay out-of-state tuition at The University of Tennessee at Martin if qualified for admission. This exemption is on condition that Murray State University in Murray, Kentucky, continue to admit Tennessee residents from selected Tennessee counties to enroll at that institution without payment of out-of-state tuition.
- (7) Any dependent child not domiciled in Tennessee but who qualifies and is selected to receive a scholarship under the "Dependent Children Scholarship Act" (T.C.A. § 49-4-704) because his or her 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 employment, shall be classified out-of-state but shall not be required to pay out-of-state tuition.
- (8) The spouse of a student classified as "in-state" shall also be classified "in-state."
- (9) Students not domiciled in Tennessee but who are selected to participate in specified institutional undergraduate Honors Programs shall be classified out-of-state but shall not be required to pay out-of-state tuition.
- (10) A person whose domicile is in Mississippi County, Arkansas, or either Dunlin County or Pemiscot County, Missouri, and who is admitted to Dyersburg State Community College, shall be classified out-of-state but shall not be required to pay out-of-state tuition.
- (11) A person who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution and who is admitted to a two year TBR institution, shall be classified out-of-state, but shall not be required to pay out-of-state tuition. The two-year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without out-of-state tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102)

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 18, 1989; effective January 29, 1990. Amendment October 19, 1995; effective February 28, 1996.

1720-1-1-.05 PRESUMPTION. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.

1720-1-1-.06 EVIDENCE TO BE CONSIDERED FOR ESTABLISHMENT OF DOMICILE. If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will

(Rule 1720-1-1-.06, continued)

not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

1720-1-1-.07 APPEAL. The classification officer of each public higher educational institution shall be responsible for initially classifying students “in-state” or “out-of-state”, Appropriate procedures shall be established by each such institution by which a student may appeal his or her initial classification.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

1720-1-1-.08 EFFECTIVE DATE FOR RECLASSIFICATION. If a student classified out-of-state applies for in-state classification and is subsequently so classified his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any quarter or semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the last day of regular registration of that quarter or semester.

Authority: *Public Acts of Tennessee, 1839-1840 Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

1720-1-1-.09 REPEALED.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee 1807. Administrative History:* *Original rule filed November 23, 1976; effective December 23, 1976. Repeal filed May 27, 1986; effective August 12, 1986.*