

BOARD OF REGENTS
BRIEFING PAPER
Handbook Revision, Residency Determinations for Graduate Fellows

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under existing Board policy, certain categories of students are deemed residents for tuition purposes and therefore are not charged non-resident tuition, including but not limited to Nevada high school graduates and certain graduate students, etc. Prior to 1996 the list outlined in Board policy authorizing certain categories of students to be exempt from non-resident tuition included graduate fellows. Based on a review of revisions to that section of Board policy, it appears that the provision was inadvertently deleted by a revision to that section adopted the same year. This omission was recently discovered by the members of the Research Affairs Council who recommend reinstatement of graduate fellows in the provision of Board policy granting exemption from non-resident tuition as was added in 1996. A Graduate Fellow receives a scholarship award from programs like the National Science Foundation or one of Nevada's EPSCoR Programs.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 5, Section 1, and Title 4, Chapter 15, Sections 2 &3, to establish that graduate fellows will not be charged non-resident tuition. (See attached Policy Proposal.)

IMPETUS (WHY NOW?):

The Research Affairs Council recently reviewed the Board policy and recommends the revision to provide that graduate fellows will not be charged non-resident tuition.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The propose revision will align Board policy with current practice at some institutions where they were not aware that the prior policy allowing graduate fellows to not be assessed non-resident tuition had been inadvertently removed.
- It is common practice in other states not to charge graduate fellows non-resident tuition.
- Recipients of fellowships are outstanding graduate students honored with monetary scholarships. The exception of graduate fellows from tuition allows the fellowship programs to provide a more realistic incentive to outstanding graduate students to come to Nevada and potentially to offer more fellowships.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been brought forward.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Maintain the current policy whereby graduate fellowships have to cover the cost of non-resident tuition as applicable.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #____ Chapter #____ Section #____
- Amends Current Board Policy: *Title 4, Chapter 5, Section 1 and Title 4, Chapter 15, Sections 2 & 3*
- Amends Current Procedures & Guidelines Manual: Chapter #____ Section #____
- Other:_____
- Fiscal Impact: Yes____ No____
- Explain: *Across the NSHE the total number of graduate fellows is limited, less than 50. Therefore the foregone non-resident tuition is expected to be minimal.*

POLICY PROPOSAL
TITLE 4, CHAPTER 5, SECTION 1
Graduate Fellows

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

AMEND CHAPTER 5 TITLE AS FOLLOWS:

Chapter 5
GRADUATE ASSISTANTS [~~OR FELLOWS~~]

AMEND SECTION 1 AS FOLLOWS:

Section 1. Definitions

[~~1.~~] Graduate Assistant - to include the subcategories of Teaching Assistant and Research Assistant, or any other appropriate title.

[~~2.~~ Graduate Fellow —to designate individuals receiving a stipend that would be treated as a scholarship (i.e., with no specific duties required for such awards).]

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 2
Definitions – Graduate Fellows

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 2. Definitions

For the purposes of these regulations, the terms stated below shall have the following meanings:

1. "Alien" means a person who is not a citizen of the United States of America.
2. "Armed Forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard.
3. "Clear and convincing evidence" means evidence that is clear in the sense that it is not ambiguous, equivocal or contradictory and convincing in the sense that it is of such a credible, reliable, authentic and relevant nature as to evoke confidence in the truth of it.
4. "Continuously enrolled" means enrollment within a normal academic year for which continuous enrollment is claimed. A person need not attend summer sessions or other between-semester sessions in order to be continuously enrolled.
5. "Date of matriculation" means the first day of instruction in the semester or term in which enrollment of a student first occurs, except that at the University of Nevada School of Medicine it means the date that a notice of admittance is sent to a student, and at the community colleges it excludes correspondence courses and community service courses that are not state funded. A person who enrolled in an institution of the Nevada System of Higher Education but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to have matriculated and any determination concerning residency status shall be voided until such time as the person again enrolls at a System institution.
6. "Dependent" means a person who is not financially independent and is claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person for the most recent tax year.
7. "Family" means the natural or legally adoptive parent or parents of a dependent person, or if one parent has legal custody of a dependent person, that parent.
8. "Financially independent" means a person who has not been and will not be claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person, except his or her spouse, for the most recent tax year.
9. ***“Graduate Fellow” means a graduate student receiving a stipend that is treated as a scholarship with no specific duties required for the award.***
10. “Most recent tax year” means the income tax return submitted for the prior income year.

~~[10]~~**11.** "Legal guardian" means a court-appointed guardian of a dependent person, who was appointed guardian at least twelve (12) months immediately prior to the dependent person's date of matriculation and for purposes other than establishing the dependent person's residence.

~~[11]~~**12.** "Nonresident" means a person who is not a resident.

~~[12]~~**13.** "Objective evidence" means evidence that is verifiable by means other than a person's own statements.

~~[13]~~**14.** "Relocated," means evidence of permanent, full-time employment or establishment of a business in Nevada prior to the date of matriculation.

~~[14]~~**15.** "Residence" a term which for the purposes of these regulations is synonymous with the legal term "domicile," and means that location in which a person is considered to have the most settled and permanent connection, intends to remain and intends to return after any temporary absences. Residence results from the union of a person's physical presence in the location with objective evidence of an intent to remain at that location for other than a temporary purpose.

~~[15]~~**16.** "Resident" means a person who has established a bona fide residence in the State of Nevada with the intent of making Nevada the person's true, fixed and permanent home and place of habitation, having clearly abandoned any former residence and having no intent to make any other location outside of Nevada the person's home and habitation. The term also includes a member of the Armed Forces of the United States who has previously established a bona fide residence in the State of Nevada, but who has been transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.

~~[16]~~**17.** "Returning student" means a student who re-enrolls after a break in enrollment of one of more semesters.

~~[17]~~**18.** "Student" means a person who is enrolled at an institution of the Nevada System of Higher Education.

~~[18]~~**19.** "Tuition" means a monetary charge assessed against nonresident students, which is in addition to registration fees, or other fees assessed against all students.

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 3
Tuition

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 3. Tuition

1. Tuition shall [~~never~~] ***not*** be charged to current enrollees or graduates of a Nevada high school.
2. Tuition shall not be charged to returning students who had established an exemption from tuition charges at any NSHE institution in their prior enrollment period.
3. Tuition shall be charged to nonresident students, except that at the community colleges no tuition shall be charged for registration in community service courses that are not state funded.
4. Tuition shall not be charged to a professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the Nevada System of Higher Education currently employed at least half time, or the spouse or dependent child of such an employee.
5. Tuition shall not be charged to a graduate student enrolled in the Nevada System of Higher Education and employed by the System in support of its instructional or research programs, only during the period of time of such employment.
6. ***Tuition shall not be charged to graduate fellows.***
7. Tuition shall not be charged to a member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, parent or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, including a Marine currently stationed at the Marine Corps Mountain Warfare Training Center at Pickle Meadows, California. If the member ceases to be stationed in Nevada, reside in Nevada, be stationed in Pickle Meadows, California, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was enrolled prior to the reassignment and remains continuously enrolled at an NSHE institution.
- [7]8. Tuition shall not be charged to a veteran of the Armed Forces of the United States who was honorably discharged and who on the date of discharge was on active duty stationed in Nevada, including a marine stationed at the Marine Corps Mountain Warfare Training Center at Pickle Meadows, California, pursuant to military orders.
- [8]9. Tuition shall not be charged to a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.

~~9~~**10**. Tuition shall not be charged to members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the State of Nevada.