

Residency for Tuition Purposes

In compliance with SBHE Policy and NDUS Procedure 504, the following guidelines and processes have been established to determine North Dakota residency for tuition purposes:

1. Residency for tuition purposes will be determined using the definitions set forth in NDCC section 15-10-19.1. Pursuant to section 15-10-19.1, a resident student for tuition purposes is determined by the following conditions and corresponding verification and documentation, to include information provided on the NDUS Application for Resident Student Status.
 - a. A person whose custodial parent, guardian, or parents have been a legal resident of North Dakota for twelve months or a dependent child whose custodial parent moved into the state with the intent to establish legal residency for a period of years within the last twelve months immediately prior to the beginning of the academic term. Coded as North Dakota Resident (NDRES) in ConnectND. Verification could include the following:
 - 1) Parent's ND driver's license or ND State Identification card.
 - 2) Parent's resident hunting/fishing license.
 - 3) Parent's Motor vehicle registration.
 - 4) Parent's voting record.
 - 5) Parent's previous ND state resident tax form if dated 12 months prior to start of the term.

The student must be noted as a dependent on the parent's tax return, health insurance or flex-comp.

- b. A person eighteen years of age or older who has been a legal resident of North Dakota for twelve months immediately prior to the beginning of the academic term. Coded as North Dakota Resident (NDRES) in ConnectND. Verification is determined by any of the following:
 - 1) Student's ND driver's license or ND State Identification card.
 - 2) Student's resident hunting/fishing license.
 - 3) Student's motor vehicle registration.
 - 4) Student's voting record.
 - 5) Student's previous ND state resident tax form if dated 12 months prior to start of the term
 - c. A person who graduated from a North Dakota high school based on information contained in the high school transcript. Coded as North Dakota Resident (NDRES) in ConnectND. Proof of a General Equivalency Diploma (GED) in North Dakota does not satisfy this criteria. A person who is not a U.S. citizen, including someone who does not have a green card or other visa, qualifies for resident student status if they are a graduate of a ND high school.
 - d. A full-time active duty member of the armed forces, a member of a North Dakota National Guard unit, a member of the armed forces reserve component stationed in North Dakota, or a veteran as defined in NDCC section 37-01-40. Coded as North Dakota Military (NDMIL) in ConnectND unless they meet other criteria to be classified as NDRES. Verification is determined by any one of the following documents:
 - 1) Student's DD 214
 - 2) Veterans Administration form attesting to the status of the veteran student.
 - 3) Student's active duty military orders.

- 4) Student's current military ID.
- e. A spouse or a dependent of a full-time active duty member of the armed forces, a member of a North Dakota national guard unit, a member of the armed forces reserve component stationed in North Dakota, or a veteran as defined in NDCC section 37-01-40, provided the veteran is able to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]. Coded as North Dakota Military (NDMIL) in ConnectND unless they meet other criteria to be coded as NDRES. Verification is determined by any one of the following documents:
 - 1) Parent or spouse's DD 214 documenting military status.
 - 2) Veterans Administration form attesting to the status of the veteran parent or spouse.
 - 3) Parent or spouse's active duty military orders.
 - 4) Parent or spouse's military ID.
 - 5) A student's birth certificate or parent's tax return, health insurance or flex comp may be needed to establish the student's relationship to the veteran or military parent or spouse.
 - f. A benefited employee of the North Dakota university system or a spouse or dependent of a benefited employee of NDUS. Coded as North Dakota Resident (NDRES) in ConnectND. Legal residency of the employee is not required and residency or citizenship status of the employee does not affect the ND residency status of the student. Verification is determined by any of the following documents:
 - 1) NDUS Employee's pay stub.
 - 2) Verification of employment from Human Resources.
 - 3) Marriage certificate for spouse of NDUS employee.
 - 4) Birth certificate for dependent of NDUS employee.
 - 5) Documentation of student as a dependent on NDUS employee's tax return, health insurance or flex comp.
 - g. The spouse of any other person who is a resident for tuition purposes. Coded as North Dakota Resident (NDRES) in ConnectND. Verification is determined by providing a copy of the marriage certificate for the spouse.
 - h. Any other person who was a legal resident of this state for at least three consecutive years within six years prior to the beginning of the academic term as documented by the student's ND state tax returns. Coded as North Dakota Resident (NDRES) in ConnectND.
 - i. A child, stepchild, widow, or widower of a veteran as defined in NDCC section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was disabled as a result of service-connected cause, died from service-connected disabilities, was a prisoner of war, or was declared missing in action. Coded as North Dakota Military (NDMIL) in ConnectND unless they meet other criteria to be coded as NDRES. Verification is determined by all of the following:
 - 1) Veterans Administration form attesting to the disability, death, POW or MIA status of student's parent.
 - 2) Copy of parent's DD 214 or other documentation attesting to the parent's ND residency.
 - 3) Student's birth certificate documenting relationship to veteran parent.

2. Definitions.
 - a. "Dependent" means only a person claimed as a dependent on the most recent federal tax return.
 - b. "Spouse" means both parties to a marriage recognized by the state of North Dakota including those subject to an order of legal separation, but not divorced persons.
3. NDCC Section 54-01-26 governs determination of legal residency. Legal residence must be based on an actual physical residence in North Dakota plus an intent to consider this state as a home and legal residence for a substantial period of time. Physical residence in the state for only the special or temporary purpose of attending an institution of higher education, without any assumption of the general responsibilities of legal residency, does not qualify one for legal residency. Nevertheless, a student attending a North Dakota institution of higher education is not precluded from proving legal residency simply because that is the student's primary or exclusive pursuit for a period of time. It is not necessary to show gainful employment or an off-campus residency to prove legal residency, although they may be helpful; what is more important is a showing that some of the significant responsibilities or rights of legal residency enumerated in subsection 4 have been assumed or exercised, or even more importantly, that they have not been countered during a period of legal residency claimed in North Dakota by express acts indicating a legal residency in another state. Generally, because making false statements in a residency application is a crime, an applicant's signature is sufficient guarantee that information in the application is accurate. However, Mayville State University employees may, at their discretion, require additional documentation.
4. Legal residence in the State of North Dakota includes, but is not necessarily limited to the following responsibilities and rights:
 - a. To vote in general or special elections in the State after 30 days of residence in the precinct (and assuming U.S. citizenship). See NDCC Section 16-01-03
 - b. To obtain a North Dakota driver's license before operating any motor vehicle in this State after more than 60 days of residency. See NDCC Section 39-06-02
 - c. To obtain a North Dakota license for any motor vehicle owned or operated after beginning residency in this State. See NDCC Section 39-04-18
 - d. To file a North Dakota resident's income tax return with the State Tax Department reporting any income derived from within this State. See NDCC Sections 57-38-01-(10) and 57-38-31
 - e. To obtain a North Dakota resident game or fishing license after 6 months of residency in the State. See NDCC Sections 20.1-01-02(4) and 20.1-03-05
5. Given the academic tradition of recess or vacation periods for holidays, between terms, and during the summer, a student's visits to other states during these periods are not indicative of a lack of legal residency in North Dakota; in fact; NDCC Section 54-01-26 expressly allows absences for "special or temporary purposes." A student's return from North Dakota to a former state of residence for a period of several months (such as an entire summer), however, when combined with the abandonment of a place of residency in this State indicates abandonment of

legal residency in North Dakota. Proof of either the retention of a place of residence in North Dakota during the absence (e.g., by rent receipts), or of a special or temporary purpose for the absence, is required in the event of such a prolonged absence. For example, participation in an internship experience or an exchange program in a state of origin that was an acceptable part of the student's academic program at a North Dakota institution of higher education is considered a special or temporary purpose.

6. International Students.

- a. To qualify as a North Dakota resident, international students who are not refugees must have an Alien Registration Receipt Card (Green Card) proving permanent residency or immigrant status and must meet all other North Dakota residency requirements for tuition purposes.
- b. Refugees holding I-94 visas bearing endorsement by the Immigration and Naturalization Service and showing they have been paroled indefinitely, or have been granted indefinite voluntary departure or conditional entry, shall be treated as residents of the United States when applying for North Dakota residency for tuition purposes. In all other respects they must meet the requirements of NDCC Section 15-10-19.1. Time spent in North Dakota prior to being granted I-94 status shall not be counted towards the one year requirement for residency status for in state tuition.

Adopted: June 2015

**Sponsored by: Vice President for Business Affairs
Vice President for Student Affairs**