

**BOARD OF HIGHER EDUCATION**  
**April 19, 2007**

The April 19, 2007, meeting of the Board of Higher Education (BHE) was held in Conference Rooms 1 and 2 of the John McCormack Building in Boston, Massachusetts. The following members were present:

Aaron D. Spencer, Chairman  
Peter Alcock, Vice Chairman  
Jeanne-Marie Boylan  
John Brockelman

James Coyle  
David Driscoll  
Colleen McKiernan  
Ann Reale

Absent: Richard Taylor, Karl White

**CALL TO ORDER**

Chairman Spencer called the meeting to order at 9:35 a.m.

**ACCEPTANCE OF MINUTES**

A motion was made to accept the minutes of the February 15, 2007, meeting. The motion was seconded, and the minutes were unanimously approved.

**CHAIRMAN'S REMARKS**

Chairman Spencer opened the meeting by commenting on the tragic loss of life on April 16 at the campus of Virginia Tech, offering condolences to the victims and their families.

Chairman Spencer spoke briefly about his work on the Higher Education Task Force, including how higher education will be funded in the future and possible organizational structure. The Task Force will report in May on its findings and recommendations.

**CHANCELLOR'S REMARKS**

As a result of the tragic events at Virginia Tech on April 16, information on the state's response to safety and security issues on public and private campuses was detailed. All public higher education campuses have been asked to forward their emergency response plans to their segmental representative, who will in turn forward the plans to Kevin Burke, Secretary of Public Safety. The plans will then be reviewed by Massachusetts State Police, who will make recommendations as needed.

It was announced that in June, the Executive Offices of Public Safety, Health and Human Services and the Board of Higher Education will host a joint symposium for the Commonwealth's public and private colleges and universities at which Massachusetts State Police safety and security recommendations, updated communications systems and counseling services for students, and other security/safety-related issues will be discussed.

Chancellor Plummer also stated that that the House Committee on Ways and Means approved a \$534 million budget. This amount will close the budget shortfall in 20 years.

**REPORTS FROM PRESIDENTS**

Dr. Mary Grant, Chair of the Council of Presidents and President of Massachusetts College of Liberal Arts (MCLA), reported that student applications to state colleges are up in record

numbers but expressed dismay with the budget, which has created a very serious funding gap of 20 years to close if support for the state college campuses does not improve.

President David Hartleb, Chair of the Executive Committee of Community College Presidents, also assured the Board that the community college campuses have security procedures in place that are currently being reviewed. He thanked Chancellor Plummer for scheduling a symposium in June to help all colleges and Universities provide security and ancillary services for their students and employees. He said that the community colleges look forward to meeting any suggested benchmarks.

President Hartleb reported that all of the community colleges are meeting with state legislators on Legislators' Day and hope to convince them of the necessity to close the revenue gap within seven years and encourage them to pass a capital bill and the Higher Education Bill this summer.

He thanked the Board for establishing a Commonwealth Transfer Advisory Committee and agreed that this is an area upon which the campuses could improve. With many options being explored all over the country, he suggested that the time is right for Massachusetts to consider other options for improvement as well.

## **CAPITAL UPDATE**

Ms. Sue Wolfe, Associate Vice Chancellor for Fiscal and Administrative Policy, provided a PowerPoint update on capital issues. She first provided background on capital planning, an initiative that has been a multi-year effort, and provided insight into the current initiatives that are a part of an action plan over the next 10-15 years. The following statistics were provided for average annual expenditures:

Physical plan and operations	\$126 million
Utility costs	34 million
Adaptation and renewal	71 million
Capital outlay	30 million

The age of the 424 campus buildings is a cause for considerable expense, with 27 percent of the community college and 46 percent of the state college buildings, respectively, constructed before 1945.

Ms. Wolfe described the Board's capital plan as very aggressive but expressed confidence that the plan could be accomplished. She noted that DCAM now regards the state and community college-BHE-DCAM effort as a model. The current projected capital need of the system is approximately \$3 billion, based on work done by Eva Klein in 2002. The colleges are now in the process, working with architect/planning consultants, of updating the costs for each of the 500 plus projects which comprise this amount.

John Brockelman praised Ms. Wolfe for her thorough presentation and suggested that additional anecdotal examples of the challenges the colleges face in this area might make this data-rich presentation more complete and understandable.

Chancellor Plummer told the Board that she had received notification that the trustees of Massachusetts College of Art (MassArt) approved a motion to change the name of the college to Massachusetts College of Art and Design and would seek Massachusetts Legislative

approval to do so. Chairman Jeanne-Marie Boylan proposed the following motion in support of MassArt's decision:

**BHE 07-09 SUPPORT TO CHANGE THE NAME OF THE MASSACHUSETTS COLLEGE OF ART TO THE MASSACHUSETTS COLLEGE OF ART AND DESIGN**

**MOVED:** The Massachusetts Board of Higher Education hereby supports the intention of the Massachusetts College of Art to change its name from the Massachusetts College of Art to the Massachusetts College of Art and Design

Authority: Massachusetts General Laws, Chapter 15A, Section 9  
Contact: Eileen O'Connor, Director of Communications and External Affairs

The motion was seconded enthusiastically by James Coyle, and the Board unanimously approved the above motion.

**MOTIONS**

John Brockelman, Chairman of the Assessment and Accountability Committee, recognized President Mary Grant, Dr. Pat Markunas, and Board staff—Aundrea Kelley, Sandy Riley, and Shelley Tinkham—for their work on the *Report on the Implementation of Initiatives to Improve State College Graduation Rates*.

Ms. Kelley presented a detailed PowerPoint presentation that reviewed the background for the production of the Report and the performance measures that correspond to five-year goals to improve students' persistence and graduation rates; reduce gaps in persistence and graduation rates related to gender, income and race; identify and secure sufficient resources to support these goals, and report progress annually to the Governor and the Legislature through 2010. Ms. Kelley presented information on the methodology used in reporting, the state colleges' progress toward goals, and details on first-year retention and six-year graduation rates. Also reported were data on the following:

- The state colleges are meeting the majority of their targets and are outperforming national peer institutions.
- First-year retention rates for all subgroups have increased.
- Though the graduation gap for Black students as compared to White students has decreased, it has grown for Hispanic and Asian and Pacific Islanders. Graduation rates for Black and White men increased but decreased for Hispanics and Asian and Pacific Islander men.
- The difference of graduation rates between women and men decreased overall but not for all racial subgroups.
- Results for performance targets aimed at transfer student graduation rates was mixed, with the transfer student graduation rate decreasing slightly but the percentage of transfer students graduating anywhere increasing; students still enrolled also increased.
- All state colleges report implementation of institutional reforms and programs designed to aid the success of their students, including advising services, programs and other related services to support at-risk students and freshmen, and financial assistance to students with the greatest need.

- The majority of state colleges have expanded their transfer mission by either increasing the enrollment of students transferring from Massachusetts community colleges, adding articulation agreements or establishing course equivalences with community colleges.

President Mary Grant thanked Mr. Brockelman for chairing the Committee and preparing the report. She said that many of the state college campuses reviewed their best practices and the use of data to drive their decision-making.

Best practices learned will be shared at statewide and regional conferences. Any subsequent workshops will be posted on the BHE Web site. The BHE will report updates to the Legislature annually until 2010.

The following motion was brought forth, seconded, and unanimously approved.

**BHE 07-08 REPORT ON IMPLEMENTATION OF INITIATIVES TO IMPROVE STATE COLLEGE GRADUATION RATES**

**MOVED:** The Board of Higher Education hereby accepts the *Report on the Implementation of Initiatives to Improve State College Graduation Rates*.

Authority: Massachusetts General Laws, 15A, Section 9  
 Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

Chairman Aaron Spencer introduced the following motion. He explained that at the December 2006 meeting that he requested a report be produced with factual information related to in-state tuition for undocumented aliens. Instead, it was decided that a document in a question-and answer type format would better serve to explain the facts of this controversial subject. The motion was seconded and unanimously approved.

**FAAP 07-25 QUESTIONS AND ANSWERS DOCUMENTS**

**MOVED:** The Board of Higher Education receives the document “Questions and Answers.”

Authority: Massachusetts General Laws, Chapter 15A, sections 6 and 9  
 Contact: Joseph Sullivan, General Counsel

Chairman Aaron Spencer, who introduced the following motion, explained that Joseph Sullivan, General Counsel, worked with the Board to consolidate the residency status policies of the three segments to create a unified policy for the system of public higher education. The motion was seconded and unanimously approved.

**FAAP 07-24 RESIDENCY STATUS FOR TUITION CLASSIFICATION PURPOSES**

**MOVED:** Pursuant to the provisions of Chapter 15A, Section 9(t), the Board of Higher Education revokes all existing rules, regulations, and policies defining resident of the Commonwealth for the purposes of tuition classification, and adopts the attached system-wide Board of Higher Education policy and form governing “Residency Status For Tuition Classification Purposes,” effective July 1, 2007.

Authority: Massachusetts General Laws Chapter 15A, Section 9(t)  
Contact: Joseph Sullivan, General Counsel

John Brockelman, Chair of the Assessment and Accountability Committee, brought forth the following Consent Agenda motion for approval; the motion was seconded and approved unanimously.

**AAC 07-16 APPROVAL OF THE FOLLOWING ASSESSMENT AND ACCOUNTABILITY COMMITTEE MOTIONS ON A CONSENT AGENDA**

**AAC 07-17 DEAN COLLEGE**

**MOVED:** The Board of Higher Education hereby approves the Articles of Amendment of **Dean College** to award the **Bachelor of Arts in Arts Management**.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq  
Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

**AAC 07-18 LE CORDON BLEU COLLEGE OF CULINARY ARTS, INC., A PRIVATE TWO-YEAR COLLEGE**

**MOVED:** The Board of Higher Education hereby approves the Articles of Organization of **Le Cordon Bleu College of Culinary Arts, Inc.**, a Private Two-Year College, to award the **Associate in Applied Science in Le Cordon Bleu Culinary Arts**.

By January 31 of 2008, and of each year thereafter, Le Cordon Bleu shall submit an annual report to the Chancellor reviewing the status of the institution's degree-granting programs. In accordance with 610 CMR, 2.07 (5) the annual report should:

- a. evaluate the general quality of curricula, the faculty and the student body;
- b. provide statistical information on the number of students completing the requirements for the degree, job placement and/or transfer statistics, the financial status of the institution, operating costs and revenues;
- c. provide evidence that both degree authority and tuition and refund policies are clearly stated in the publicity of the institution; and
- d. certify whether, in fact, the institution's degree-granting programs are maintained and operated within the provisions and spirit of the criteria and guidelines set forth for proprietary institutions with degree-granting authority (including but not limited to data and information data regarding faculty workload, faculty governance and facilities, including flooring).

(In accordance with 2.06 (1) (b).1 for the first five years following initial licensure, Le Cordon Bleu shall forward along with this report the required annual fee.)

Prior to enrolling students in the degree programs, the College must meet the following condition:

- Submit the résumés or CVs of the Director of Education and the full-time faculty members to the Chancellor of the Board of Higher Education.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.  
Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

**AAC 07-19 MGH INSTITUTE OF HEALTH PROFESSIONS**

**MOVED:** The Board of Higher Education hereby approves the Articles of Amendment of the **MGH Institute of Health Professions** to award the **Doctor of Nursing Practice**.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.  
Contact: Aundrea Kelley, Associate Vice Chancellor of Academic Policy

**AAC 07-20 MASSACHUSETTS MARITIME ACADEMY**  
Master of Science in Emergency Management

**MOVED:** The Board of Higher Education hereby approves the Articles of Amendment of **Massachusetts Maritime Academy**, to award the **Master of Science in Emergency Management**.

Upon graduating the first class for this program, Massachusetts Maritime Academy shall submit to the Board a status report addressing its success in reaching program goals as stated in the application and in the areas of enrollment, curriculum, faculty resources and program effectiveness.

Authority: Massachusetts General Laws Chapter 15A, Section 9(b)  
Contact: Aundrea Kelley, Associate Vice Chancellor of Academic Policy

**AAC 07-21 UNIVERSITY OF MASSACHUSETTS AMHERST**  
Bachelor of Science in Public Health Sciences

**MOVED:** The Board of Higher Education hereby approves the application of the **University of Massachusetts Amherst** to award the **Bachelor of Science in Public Health Sciences**.

Upon graduating the first class for this program, the University of Massachusetts Amherst shall submit to the Board a status report

addressing its success in reaching program goals as stated in the application and in the areas of enrollment, curriculum, faculty resources and program effectiveness

Authority: Massachusetts General Laws Chapter 15A, Section 9(b)  
Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

**AAC 07-22 WESTFIELD STATE COLLEGE**  
Master of Science in Accountancy

**MOVED:** The Board of Higher Education hereby approves the application of **Westfield State College** to award the **Master of Science in Accountancy**.

One year after graduating the program's first class, the College shall submit to the Board a status report addressing the College's success in reaching program goals as stated in the application and in this report and in the areas of enrollment, curriculum, faculty, resources, and program effectiveness.

Authority: Massachusetts General Laws Chapter 15A, Section 9(b)  
Contact: Aundrea Kelley, Associate Vice Chancellor for Academic Policy

**AAC 07-23 ESTABLISHMENT OF THE COMMONWEALTH TRANSFER ADVISORY GROUP**

**MOVED:** The Board of Higher Education establishes the Commonwealth Transfer Advisory Group to assess current transfer barriers and to make recommendations on improving the effectiveness of transfer across the Commonwealth's public higher education system.

The Board of Higher Education endorses the seamless transfer of college-level credit among the Commonwealth's public higher education institutions and the improved coordination in implementing an effective and efficient transfer system. It is the intent of the Board that college-level credit granted by a Massachusetts public higher education institution shall be accepted, where appropriate, toward a degree as transfer credit across the institutions.

Authority: Massachusetts General Laws Chapter 15A, Section 9  
Contact: Francesca Purcell, Associate Director for Academic Policy

**OPEN FORUM**

Jake Oliviera, State College Representative to the Board, briefed Board members on the outcome of the recent Student Leadership Conference, attended by approximately 100 public higher education students from across the state. Presenters at the Conference included the Honorable Robert O'Leary, Senate Chair of the Higher Education Committee; and Chairman Aaron Spencer and Chancellor Patricia Plummer, who presented a well received open discussion on the Questions and Answers Regarding In-State Tuition for Undocumented Aliens.

Mr. Oliviera also sought the Board's support on a Student Advisory Committee (SAC) initiative on civic engagement and advocacy. The goals of this SAC initiative include outreach to ensure that students stay active in civic engagement, increasing public forums and voting, and the holding of Lobby Days. The trustees of the University of Massachusetts have voted to support this initiative.

He reported that student interests run high on the uniform capital bonding bill and the campaign to reduce the cost of textbooks.

Chairman Spencer called for the passage of the following motion, which was seconded by Colleen McKiernan, and unanimously approved:

**BHE 07-10 RESOLUTION ON STUDENT CIVIC ENGAGEMENT AND ADVOCACY**

**MOVED:** **Whereas**, institutions of public higher education in the Commonwealth are committed to informed civic engagement in a democratic society;

**Whereas**, the Board of Higher Education wishes to encourage multiple opportunities for students to participate in and learn from civic engagement and advocacy;

**Whereas**, local, state and national public policies have multiple, direct and significant impacts on public higher education students in Massachusetts;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Higher Education encourages the University of Massachusetts, state and community colleges to make all suitable allowances for broad-based participation in civic engagement, including but not limited to such activities and events as a lobby day for public higher education advocacy; an increase in voter registration drives; an increase in registered student voter participation; campus-based colloquia and symposia on issues of access and affordability; invitations to legislators to such events; issue papers on the access imperative, affordability strategies, and effective retention strategies; and peer strategies to encourage positive media for student activities, thereby fostering a public higher education policy debate and advocacy by all constituents in the University, state and community college and the University system—including students, staff, faculty and administrators.

Authority: Massachusetts General Laws, Chapter 15A, Section 9  
Contact: Aaron Spencer, Chairman

Student Board member, Colleen McKiernan, formally thanked the Board for the experience of being a Board member for the 2007 academic year. She remarked that she learned a great deal over the course of the year. Chairman Spencer brought forth the following motion, which was seconded and unanimously approved:

**BHE 07-11 EXPRESSION OF THANKS AND GRATITUDE TO COLLEEN MCKIERNAN, STUDENT BOARD MEMBER**

**MOVED:** The Board of Higher Education expresses its thanks and gratitude to Colleen McKiernan, Student Board Member, for her outstanding service to the Board of Higher Education for the academic year, 2006-2007.

Authority: Massachusetts General Laws, Chapter 15A, Section 9  
Contact: Aaron Spencer, Chairman

Dr. Patricia Markunas, President, Massachusetts State College Association (MSCA), addressed the Board. She told the Board that it remains the statutory employer to the faculty and library union. Negotiations began four weeks ago, and the MSCA awaits the Board's proposal and fair, equitable, economic solution to move salary equity to that of their peers. Dr. Markunas said that the state colleges made progress in the last rounds of negotiations, and she thanked John Brockelman's positive remarks about quality and dedication of our faculty. She said that the MSCA told the Board that it appreciates its past support and cooperation.

Chairman Spencer responded that he is hopeful that the process will go forward smoothly for both parties.

Chancellor Plummer announced that toward providing a seamless P-16 system of education, all were invited to attend a meeting on April 26 in the BHE Conference Room to view a Web portal presentation, designed to serve students by raising aspirations, aiding in the student application process, raising the college going rate, and expanding students' knowledge of available careers. Used in North Carolina, this Web portal has helped increase the college going rate 9 percent in five years in that state.

Dr. Terrence Gomes, President of Roxbury Community College, announced that Roxbury Community College will host the 10<sup>th</sup> Annual Massachusetts Community College Conference on Teaching, Learning, and Student Development on April 20, which will include a keynote address by Dr. Thomas R. Bailey of Columbia University.

There being no further business, the meeting was adjourned by 11:20 a.m.

April 2007

## Questions and Answers Regarding In-State Tuition for Undocumented Aliens

The issue of whether or not to allow the children of Massachusetts undocumented aliens to attend the Commonwealth's public institutions of higher education at the same costs as the children of documented residents has been a subject of public debate for well over a year.

A bill that would allow in-state tuition rates was defeated in the Legislature in 2006, but similar bills in the Senate and House are currently pending. The debate is likely to continue, and there appears to be some misunderstanding about the issues and potential impact of this bill. Since the matter involves public higher education, it is reasonable for the Massachusetts Board of Higher Education to clarify the major issues, which it has set forth to do through the following questions and answers.

### **1. What are the basic eligibility requirements for in-state tuition and fees in pending legislation?**

Pending legislation provides, in general, that any individual who has attended high school in the Commonwealth for three or more years and has graduated from a high school in the Commonwealth or attained the equivalent thereof shall be eligible for in-state tuition and fees.

### **2. What would the admission standards be?**

The admission standards would be the same as those for the children of documented residents.

### **3. Would these children be eligible to receive state-funded financial aid? If so, wouldn't they be competing with the children of documented residents for access to limited funds?**

No. Massachusetts public financial aid is not and would not be available to the children of undocumented aliens. Thus, there would be no effect on the amount of financial aid available to documented residents.

### **4. How would the costs to children of undocumented aliens compare with the costs to children of documented residents?**

They would pay the same tuition, which is remitted to the state; the same fees, which are retained by the institution; and if they lived in a campus residence hall, they would pay the same rates as any other resident. In short, all costs would be the same for both groups.

### **5. Approximately how many potential students might be impacted by this bill?**

The Massachusetts Taxpayers Foundation<sup>1</sup> has studied this issue and has estimated that between 400 and 600 students might enter Massachusetts' institutions of public higher education per year as a result of this bill.

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<sup>1</sup> In January 2006, the Mass Taxpayers Foundation issued a brief report on the potential impact of allowing undocumented immigrants to attend Massachusetts public institutions of higher education at in-state tuition rates.

**6. How much capacity do our state public higher education institutions have to accept additional students across the system? Please provide detailed statistics. (i.e., classroom and dormitory space, etc.)**

Based on the results of Phase I of the BHE's Utilization Study, some campuses have excess capacity, though this varies greatly throughout the system. (See attached study summary.)

**7. Does pending legislation require students to seek citizenship or permanent residency status in order to be eligible for in-state tuition and fees?**

House No. 1197 does require students to seek citizenship or permanent residency status, while Senate Bill No. 714 does not.

**8. Would admitting undocumented aliens result in an added expense to the institutions or to the Commonwealth?**

The incremental costs to accept these students would be minimal and would likely result in extra revenue to the schools and the Commonwealth. The Massachusetts Taxpayers Foundation estimates that as much as \$2.5 million of extra money could result from admitting these students.

**9. Based upon this estimate, what would the estimated total cost difference be between in-state and out-of-state tuition and fees over a four-year period?**

The difference between in-state and out-of-state tuition, on average, is currently \$6,940; the difference in mandatory fees at U Mass is \$2,500 and there is no difference in mandatory fees at the State and Community Colleges.

This difference would translate to \$30,030, based on four years at a Massachusetts public higher education institution. (See attached spreadsheet for comparison data.)

**10. Generally speaking, how many and what kinds of jobs are currently available in Massachusetts for illegal immigrants who have some form of postsecondary education? Even upon graduation, will these students even be able eligible to apply for such jobs?**

There are currently no data available to determine how many and what kinds of jobs would be available for illegal immigrants with some form of postsecondary education.

**11. How does pending legislation comply with the 1996 law signed by President Clinton "The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Sec. 505)," which states, "Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State for any post-secondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."?**

There is no definitive answer to this question. Proponents of pending legislation contend that since the proposed law does not make undocumented aliens eligible on the basis of residence, Sec. 505 does not apply.

**BOARD OF HIGHER EDUCATION  
RESIDENCY STATUS FOR TUITION CLASSIFICATION PURPOSES**

(Rules and Regulations Governing the Residency Status of Student for Tuition Purposes)

These rules and regulations apply to the classification of students at the public institutions of higher education as Massachusetts or non-Massachusetts residents for tuition and fee purposes.

**Part I. *Definitions***

- 1.1 “Board of Trustees” shall mean, the Board of Trustees of an institution.
- 1.2 “Continuous attendance” shall mean, enrollment at an institution for the normal academic year in each calendar year, or the appropriate portion or portions of such academic year as prescribed by the Board of Trustees or under its authority.
- 1.3 “Eligible person” shall mean, a U.S. citizen, lawful immigrant, permanent resident, or holder of another legal immigration status, who has satisfied the durational residency requirement and can demonstrate his/her intent to remain in Massachusetts.
- 1.4 “Emancipated person” shall mean, a person who has attained the age of 18 years and is financially independent of his or her parents, or, if under 18 years of age, (a) whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such person; or (b) a person who is legally married; or (c) a person who has no parent. If none of the aforesaid definitions applies, said person shall be deemed an “unemancipated person.”
- 1.5 “Institution” shall mean, the public college or university at which any person is or seeks to be enrolled as a student.
- 1.6 “Proof of Emancipation” shall be demonstrated through submission of evidence including, but not limited to:
  - (a) Birth certificate or any other legal document that shows place and date of birth; (b) Legal guardianship papers – court appointment and termination must be submitted; (c) Statement of the person, his or her parent(s), guardian(s), or others certifying no financial support; (d) Certified copies of federal and state income tax returns filed by the person and his or her parent(s); (e) Copies of applications for federal financial aid; or (f) Where none of the foregoing can be provided, an affidavit of the emancipated person in explanation thereof and stating fully the grounds supporting the claim of emancipation.
- 1.7 “Parent” shall mean,
  - a) the person’s father and mother, jointly;

- b) if the person's father is deceased, the person's mother; if the person's mother is deceased, the person's father;
- c) if a legal guardian has been appointed by a court having jurisdiction, the legal guardian;
- d) if neither the father nor mother is living and no legal guardian has been appointed, the person who then stands *in loco parentis* to the person;
- e) if the father and mother are divorced, separated or unmarried, the parent who has been awarded legal custody of the person; or, if legal custody has not been awarded, the parent with whom the person lives.

With respect to any adopted student, the word "adoptive" should be inserted before the words "father" and "mother" wherever used.

- 1.8 "Reside," "residency," or "resident" shall mean "domicile," i.e., a person's true fixed and permanent home or place of habitation, where he or she intends to remain permanently.

## **Part II. *Classification***

- 2.1 For the purpose of assessing tuition and fees, each student shall be classified as a "Massachusetts resident" or a "Non-Massachusetts resident." At the University and the state colleges, an eligible person shall be classified as a Massachusetts resident if he or she (or the parent of an unemancipated student) shall have resided in the Commonwealth of Massachusetts for purposes other than attending an educational institution (including a private educational institution) for twelve months immediately preceding the student's entry or reentry as a student. At the community colleges, a person shall be classified as a Massachusetts resident if he or she (or the parent of an unemancipated student) shall have resided in the Commonwealth of Massachusetts for purposes other than attending an educational institution (including a private educational institution) for six months immediately preceding the student's entry or reentry as a student.
- 2.2 Physical presence for this entire twelve-month or six-month period need not be required as long as the conduct of an individual, taken in total, manifests an intention to make Massachusetts his or her permanent dwelling place. However, residency is not acquired by mere physical presence in Massachusetts while the person is enrolled in an institution of higher education.

## **Part III. *Determination of Residency***

- 3.1 Proof of Residency
- a) Each case will be decided on the basis of all facts submitted with qualitative rather than quantitative emphasis. A number of factors are required for residency to determine the intention of the person to maintain permanent residence in

Massachusetts. No single indicium is decisive. The burden of proof rests on the student seeking classification as a Massachusetts resident.

- b) The following shall be indicia of residence:
- 1) For unemancipated persons, the residency of parents, having custody, within Massachusetts;
  - 2) Certified copies of federal and state income tax returns;
  - 3) Permanent employment in a position not normally filled by a student;
  - 4) Reliance on Massachusetts sources for financial support;
  - 5) Possession of a Massachusetts high school diploma;
  - 6) Continuous physical presence in Massachusetts during periods when not an enrolled student;
  - 7) Military home of record; and
  - 8) All other material of whatever kind or source which may have a bearing on determining residency.

### 3.2 Eligibility

- a) The following individuals shall be eligible for in-state tuition:
- 1) Any person who is registered at an institution as a Massachusetts resident shall be eligible for continued classification as a Massachusetts resident for tuition purposes (until attainment of the degree for which he or she is enrolled) during continuous attendance at the institution.
  - 2) The spouse of any person who is classified or is eligible for classification as a Massachusetts resident is likewise eligible for classification as a Massachusetts resident. This provision will not apply in the case of a spouse in the United States on a non-immigrant visa.
  - 3) A person who is a lawful immigrant or permanent resident of the United States (or is eligible to apply and has applied for such status) is eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. Non-citizens who are in (or who are eligible to apply and who have applied for) refugee/asylum status are likewise eligible to be considered for

Massachusetts residency for tuition purposes provided that they meet the same requirements for establishing residency in Massachusetts as are required of a United States citizen. All non-citizens must provide appropriate United States Citizenship and Immigration Services documentation to verify their status.

- 4) Those students whose higher education pursuits are funded by the Department of Institutional Assistance, the Massachusetts Rehabilitation Commission, or any of the other Commonwealth of Massachusetts public assistance programs.
  - 5) A member of the Armed Forces of the United States who is stationed in Massachusetts on active duty pursuant to military orders, his or her spouse and dependent children. A person does not gain or lose in state status solely by reason of his or her presence in any state or country while a member of the Armed Forces of the United States.
  - 6) Full time faculty, professional staff, and classified staff employees of the public higher education system and their spouses and dependent students.
- b) A person having his or her residency elsewhere than in Massachusetts shall not be eligible for classification as a Massachusetts resident for tuition purposes, except as herein provided.

#### **Part IV. Appeals and Reclassification**

- 4.1 **Reclassification:** A student may at any time request the institution to reclassify him or her as a Massachusetts resident if the factual basis for his or her classification as a non-resident has changed. To do so, the student shall submit a “Residency Reclassification Form” to the appropriate office of the institution for its review and final classification as a resident or a non-resident student.
- 4.2 **Appeals:** A student or applicant may appeal the institution’s final decision to deny his or her classification (or reclassification) as a non-resident by filing an appeal through the appeal process established by the institution. The decision on appeal is final and may not be appealed further.
- 4.3 **Tuition Deadlines:** All deadlines for the payment of tuitions, fees, and other financial obligations to the institution remain in force during the pendency of any request for reclassification or any appeal.
- 4.4 **Retroactive Effect:** Any change in a student’s classification as the result of a request for reclassification or an appeal will be retroactive only to the beginning of the semester during which the institution makes the final decision to reclassify the student.

## **Part V. Penalties**

Misrepresentation in or omission from any evidence submitted with respect to any fact which, if correctly or completely stated, would be grounds to deny classification as a Massachusetts resident, shall be cause for exclusion or expulsion from or other disciplinary action by the institution.

## **Part VI. Miscellaneous**

- 6.1 Each institution may adopt supplementary rules governing any procedures, deadlines, and related matters appropriate for the implementation of this policy.
- 6.2 The provisions of this policy shall apply to the classification of a student as the resident of any New England state for purposes of determining his or her eligibility for tuition benefits through the New England Board of Higher Education.

**MASSACHUSETTS COMMUNITY COLLEGES - IN-STATE TUITION ELIGIBILITY FORM**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

SSN# or Student I.D. Number \_\_\_\_\_ Date of Birth \_\_\_\_\_

Are you a U.S. Citizen? \_\_\_\_\_ Yes \_\_\_\_\_ No. If you are not a U.S. Citizen, please state your immigration status in detail: \_\_\_\_\_

**Please check the in-state or reduced tuition eligibility category that applies to you:**

\_\_\_\_\_ *For Community College applicants:* I have been a Massachusetts resident for six (6) continuous months and intend to remain here.

\_\_\_\_\_ *For State College and UMASS applicants:* I have been a Massachusetts resident for twelve (12) continuous months and intend to remain here.

As proof of my intent to remain in Massachusetts, I possess at least 2 of the following documents, which I shall present to the institution upon request. These documents are dated within one (1) year of the start date of the academic semester for which I seek to enroll (except possibly for my high school diploma). The institution reserves the right to make any additional inquiries regarding the applicant's status and to require submission of any additional documentation it deems necessary. **Please check-off those documents you possess as proof of your intent to remain in Massachusetts.**

- |   |                                    |                                 |
|---|------------------------------------|---------------------------------|
| _____ Driver's license                                      | _____ Mass. High School Diploma    | _____ Employment pay stub       |
| _____ Car registration                                      | _____ Voter registration           | _____ State/Federal tax returns |
| _____ Utility bills   | _____ Signed lease or rent receipt | _____ Military home of record   |
| _____ Record of parents' residency for unemancipated person | _____ Other _____                  |                                 |

\_\_\_\_\_ I am an eligible participant in the New England Board of Higher Education's Regional Student Program.

\_\_\_\_\_ I am a member of the armed forces (or spouse or unemancipated child) on active duty in Massachusetts.

**Certification of Information**

I certify that this information is true and accurate. I understand that any misrepresentation, omission or incorrect information shall be cause for disciplinary action up to dismissal, with no right of appeal or to a tuition refund.

Applicant Signature: \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian Signature (Applicant is Under 18 Years Old): \_\_\_\_\_ Date \_\_\_\_\_

**FOR OFFICIAL USE ONLY – DO NOT WRITE IN THIS BOX**

I have reviewed the above information in order to determine this individual's eligibility to receive the in-state tuition rate. Based on my review I have determined that this individual:

\_\_\_\_\_ IS eligible for the in-state tuition rate.

\_\_\_\_\_ IS NOT eligible for the in-state tuition rate.

\_\_\_\_\_ I am unable to make a determination at this time. The following additional information has been requested from the applicant: \_\_\_\_\_

Authorized College Personnel: \_\_\_\_\_ Date \_\_\_\_\_