

**RULES  
OF  
UNIVERSITY OF MEMPHIS**

**CHAPTER 0240-10-05  
CLASSIFYING STUDENTS IN-STATE AND OUT-OF-STATE**

**TABLE OF CONTENTS**

0240-10-05-.01	Purpose	0240-10-05-.05	Appeal
0240-10-05-.02	Definitions	0240-10-05-.06	Reclassification
0240-10-05-.03	Residency Requirements for Admission and In-State Tuition		
0240-10-05-.04	Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition		

**0240-10-05-.01 PURPOSE.**

The purpose of this rule is to establish reasonable and appropriate rules and policies for the purpose of making admission decisions and determining whether out-of-state tuition shall be charged to a student enrolling at the University of Memphis (“University”). These rules are promulgated in accordance with the principle that as a state, tax-supported institution, the University extends preference in admission and tuition to residents of the state of Tennessee.

**Authority:** T.C.A. §§ 49-7-101(b), 49-7-138, 49-8-102(b)(1), and 49-8-104(a). **Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.

**0240-10-05-.02 DEFINITIONS.**

- (1) Continuous enrollment; Continuously enrolled: Attendance at a school or schools in the state of Tennessee shall be deemed "continuous" if the person claiming continuous attendance has been enrolled at a public higher education institution in Tennessee as a part-time or full-time student. 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, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic year.
- (2) Domicile: A physical presence in the state of Tennessee with simultaneous intent to make Tennessee one’s permanent home and place of habitation and abandonment of any former domicile.
- (3) Emancipated/independent student: A student whose parents or legal guardian/custodian 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 emancipated/independent person.
- (4) Parents: a person's father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated 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 un-emancipated person.
- (5) Performance based program: Recognized University programs with entrance criteria based on clearly established academic standards or satisfactory program participation that must be maintained to continue participation in the program.

(Rule 0240-10-05-.02, continued)

- (6) U.S. Armed Forces: the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.

**Authority:** T.C.A. § 49-8-104. **Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.

### **0240-10-05-.03 RESIDENCY REQUIREMENTS FOR ADMISSION AND IN-STATE TUITION.**

- (1) A student will be considered a Tennessee resident for admission and in-state tuition purposes if the student is a citizen of the United States, has resided in Tennessee for one (1) year immediately prior to the beginning of the term being applied to, and meets one of the following conditions:
- (a) Graduated from a Tennessee public secondary school;
  - (b) Graduated from a private secondary school that is located in Tennessee; or
  - (c) Earned a Tennessee high school equivalency diploma.
- (2) A student who is domiciled in the state of Tennessee will be considered a Tennessee resident for admission and in-state tuition purposes.
- (a) A student can establish domicile by establishing that the student, or the student's parent(s) or legal guardian/custodian if the student is considered a dependent student, as a physical presence in the state with simultaneous intent to make Tennessee one's permanent home and place of habitation and abandonment of any former domicile.
  - (b) Presence in Tennessee primarily for educational purposes is insufficient to establish domicile.
  - (c) Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
  - (d) Decisions regarding domicile will be made by the University based on a review of all evidence presented and upon consideration of its reliability, authenticity, credibility and relevance.

**Authority:** T.C.A. §§ 49-8-104 and 49-8-203. **Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.

### **0240-10-05-.04 ADDITIONAL CATEGORIES OF INDIVIDUALS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION.**

- (1) An unemancipated/dependent, currently enrolled student whose parent(s) or legal guardian/custodian relinquish residence or domicile in the state of Tennessee shall not be required to pay out-of-state tuition at the University so long as he or she maintains continuous enrollment at a state of Tennessee public higher educational institution or institutions.
- (2) Students participating in an approved University performance-based program may not be required to pay out-of-state tuition. Such programs may include, but are not limited to: the Helen Hardin Honors Program, ROTC, and the National Student Exchange program.
- (3) A person who otherwise meets admission requirements shall not be required to pay out-of-state tuition if they reside in a county of another state lying immediately adjacent to a county where the University is located or if they reside within thirty (30) miles of the University.

(Rule 0240-10-05-.04, continued)

- (4) Unemancipated/dependent students of divorced parents shall not be required to pay out-of-state tuition when one (1) parent, regardless of custodial status, is domiciled in Tennessee.
- (5) A student who is a United States citizen or permanent resident and is the spouse of a current student classified as in-state for tuition purposes shall not be required to pay out-of-state tuition.
- (6) Academic Common Market: Students enrolled at the University of Memphis in an approved and designated Academic Common Market degree program or concentration shall not be required to pay out-of-state tuition.
- (7) An unemancipated/dependent person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee pursuant to military orders shall not be required to pay out-of-state tuition. Further, such a person who maintains continuous enrollment shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.
- (8) Part-time students who are not domiciled in Tennessee but who are employed by one (1) or more employers in the State and such employment is equivalent to full-time employment shall not be required to pay out-of-state tuition.
- (9) U.S. Armed Forces personnel, their spouses, and dependents, stationed in the State of Tennessee, shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- (10) Active-duty military personnel who begin working on a college degree at the University while stationed in Tennessee and who are transferred or deployed prior to completing their degrees, can continue completion of the degree(s) at the University without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- (11) Qualified, dependent children entitled to scholarship or exemption from out-of-state tuition by statute, including but not limited to, T.C.A. § 49-4-704 and T.C.A. § 49-7-164, shall not be required to pay out-of-state tuition.
- (12) Veterans or other individuals eligible to receive educational benefits administered by the United States Department of Veterans' Affairs, shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran or individual is:
  - (a) Enrolled in any public institution of higher education in Tennessee;
  - (b) Utilizing such benefits at the enrolling institution; and
  - (c) Living in the state of Tennessee, regardless of the individual's formal state of residency.

**Authority:** T.C.A. §§ 49-7-164, 49-7-301, 49-7-1304, 49-8-101(b), 49-8-102(b)(1), and 49-8-104(a).  
**Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.

#### **0240-10-05-.05 APPEAL.**

Initial residency classification will be determined by the Office of Undergraduate Admissions and Orientation for undergraduate students and the Graduate Admissions Office for graduate students. Students may appeal their initial residency reclassification by submitting a written request for reclassification with supporting documentation on forms prescribed by the University. Appeals for the current term must be

(Rule 0240-10-05-.05, continued)

made to the Residency Appeals Committee on or before the last day to add or change sections for the current full term. Appeals received after this date may only change a student's residency for future terms. Individuals disagreeing with the decision of the Residency Appeals Committee may appeal that decision in accordance with applicable laws and regulations.

**Authority:** T.C.A. § 49-7-101. **Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.

**0240-10-05-.06 RECLASSIFICATION.**

If a student classified as out-of-state or international applies for in-state tuition and is subsequently reclassified, his or her in-state classification shall be based on the date the appeal form was received by the appeal committee. 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 in accordance with University policy.

**Authority:** T.C.A. § 49-7-101. **Administrative History:** Original rules filed February 20, 2020; effective May 20, 2020.