



Executive Policy Chapter 5, Academic Affairs
Executive Policy EP 5.208, Resident and Nonresident Admission and Enrollment-~~Cap~~
Effective Date: ~~October 2014~~XXXX 2023
Prior Dates Amended: October 2013, October 2014
Responsible Office: Office of the Executive Vice President for Academic Affairs
Governing Board of Regents Policy RP 5.211, Admissions
Review Date: ~~August 2018~~XXXX 2026

I. Purpose

A. To establish guidelines and promulgate procedures for campuses to implement residency determinations in compliance with Hawai'i Administrative Rules Chapter 20-4 "Determination of Residency as Applied to Tuition Payments and Admission".

B. To provide for a mix of students while ensuring preference for qualified Hawai'i residents in accordance with Board of Regents Policy RP 5.211.

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II. Definitions

A. Dependent – those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as authorized dependents by the Armed Forces of the United States provided that the dependents other than the spouse are no more than twenty-three years of age.

B. Guardian – a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.

C. Minor – a person who has not yet reached majority, presently eighteen years of age in the State of Hawai'i.

D. Parents – includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an

unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residency determination date.

E. Residence – for tuition purposes, a student shall qualify for the resident tuition fee only if the following criteria are met:

1. The adult student, or in the case of a minor student, the student's parents or guardians, has or have been a bona fide resident of this State for at least twelve consecutive months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus; and
2. The adult or minor student has not been claimed as a dependent for tax purposes for at least twelve months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus by the student's parents or guardians who are nonresidents of the State; provided that this provision shall not apply in cases where the parent claiming the student as a dependent is entitled to do so under a child support order or agreement issued or entered into in conjunction with a divorce proceeding or legal separation agreement and the other parent and the student meet the criteria set forth in paragraph 1.

F. Residency determination date – the first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus as established by the approved university academic calendar.

G. Residency officer – the designated employee on each campus tasked to determine the residency status of students.

H. Student – every full-time and part-time graduate and undergraduate student enrolled at the university.

~~No policy specific or unique definitions apply.~~

III. Executive Policy

A. Determination of Residence

1. The residency officer for each campus shall determine the resident or nonresident status of every student matriculating at that campus. Evidence shall be collected to elicit facts upon which to make the residency determination. Evidence may be provided by the prospective student

responding to a questionnaire used to determine residency and attesting to the truth of the information provided to the university. The residency officer may also require the production by the prospective student of certified copies of documents relevant to the determination of resident status.

a. Initial Classification

- 1) The determination of residence for tuition purposes requires that the adult student or in the case of a minor student, the student's parent or guardian, has been a bona fide resident of the State of Hawai'i for at least twelve consecutive months immediately prior to the residency determination date. Documentation of any one (1) of the following overt actions is acceptable as evidence of bona fide residence:
 - a) Filing of the Hawai'i resident personal income tax return by the:
 - i. Adult student who is not claimed as a dependent for tax purposes; or
 - ii. Minor student who is declared an emancipated minor; or
 - iii. Parent or guardian of the student if the student is declared a dependent;
 - b) A Hawai'i State driver's license or Hawai'i State identification card issued at least twelve months preceding the residency determination date;
 - c) Voting, or voter registration, in Hawai'i at least twelve months preceding the residency determination date;
 - d) Ownership or continuous rental in Hawai'i of the principal residence beginning at least twelve months immediately preceding the residency determination date;
 - e) Carrying on of a business or the holding of an employment position in Hawai'i for at least twelve months immediately preceding the residency determination date; or
 - f) Any other clear and compelling evidence of bona fide residence for at least twelve consecutive months immediately preceding the residency determination date.

b. Rules of construction

- 1) The twelve months begin on the date upon which the first overt action is taken to make Hawai'i the permanent residence. While residence shall be lost if it is interrupted during the twelve months immediately preceding the residency determination date, resident status derived from two or more successive sources may be tacked together to compute the twelve-month period.
- 2) Residence in Hawai'i and residence in another place cannot be held simultaneously.
- 3) Presence in Hawai'i primarily to attend an institution of higher learning shall not create resident status.

- 4) Resident status, once acquired, shall be lost by future voluntary action of the resident inconsistent with that status.
- 5) Time spent incarcerated in city, state, or federal jails or prisons shall not be counted in determining Hawai'i residency for tuition purposes.

c. Re-classification

- 1) A nonresident student with continuous attendance from time of initial classification, having met the criteria for bona fide legal Hawai'i residency, may request a change of status from nonresident to resident by completing a residency conversion form and attaching certified copies of the student's, parents', or guardians' personal income tax form from the past taxable year.
- 2) The residency officer may also require the production by the student of certified copies of other documents relevant to the determination of resident status.
- 3) A nonresident student enrolled for six (6) credits or more per term shall be presumed to be in Hawai'i primarily for educational purposes. Such period of enrollment shall not be counted toward the establishment of bona fide residence in Hawai'i for twelve consecutive months immediately preceding the residency determination date. A student may rebut this presumption of nonresident status if clear and convincing evidence is provided that the student has abandoned the student's previous residence and has established a bona fide residence in Hawai'i primarily for purposes other than educational.
 - a) Resident status in all postsecondary schools attended outside of Hawai'i.
 - b) Evidence of ability to be self-supporting, and location and duration of any locally based financial accounts for the previous year.
 - c) Continuous presence in Hawai'i during periods not enrolled in school.
- 4) These re-classification criteria do not apply to students who graduate with an undergraduate degree from a post-secondary institution in the State of Hawai'i and immediately enroll into a graduate or professional program at a UH campus. For continuous enrollment, the student's classification at the time of their undergraduate graduation shall prevail.

2. Appeals

- a. The Office of the Associate Vice President for Student Affairs will create and monitor implementation of appeals procedures to ensure compliance with the Hawai'i Administrative Rules Chapter 20-4 "Determination of Residency as Applied to Tuition Payments and Admission".

B. Non-resident Classification and Cap

1. Introduction

- a. Implements Board policy related to campus ceilings for nonresident undergraduate enrollments (nonresident enrollment caps) at the University of Hawai'i.
- b. Nonresident enrollment caps were first established in the 1970s as part of the University's Controlled Growth Policy. In January 2011, the President was granted the authority to establish campus ceilings for nonresident undergraduate enrollments in consultation with the Board (BOR Policy RP 5.211).

2. Guidelines

- a. The nonresident enrollment cap is based on undergraduate enrollments only. Graduate and professional school enrollments are excluded from the calculations. The exclusion is consistent with Board policy where graduate and professional programs have a special responsibility to admit the most qualified students while demonstrating that every effort is made to enroll resident applicants who compete favorably in the admissions process.
- b. Campus ceilings for nonresident undergraduate enrollment ceilings are 35 percent at the baccalaureate campuses. Undergraduate enrollment ceilings at the community colleges are 15 percent.

3. Monitoring

- a. The Vice President for Academic Strategy shall monitor the nonresident undergraduate enrollment rates at the campuses each fall semester and work with them, as needed, to remain within their enrollment ceilings.

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IV. Delegation of Authority

No specific delegation.

V. Contact Information

Office of the Vice President for Academic ~~Strategy Planning and Policy~~
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VI. References

A. Link to superseded Executive Policies in old format
<https://www.hawaii.edu/policy/archives/ep/>

B. Link to Administrative Procedures in old format
<https://www.hawaii.edu/policy/archives/apm/sysap.php>

Approved:

_____ ~~October 31, 2014~~
David Lassner Date

President