

SUBPART 3-4
DETERMINATIONS AS TO MICHIGAN RESIDENCE

Sec. 3-401. Statement of Policy. Because the University is a State institution, some of the costs are determined by whether or not the student is a resident of the State of Michigan. Since normally a student comes to the University for the primary or sole purpose of attending the University rather than to establish a domicile in Michigan, one who enrolls in the University as a non-resident student shall continue to be so classified throughout his or her attendance as a student, unless and until he or she demonstrates through clear and convincing evidence that his or her previous domicile has been abandoned and a Michigan domicile established.

Sec. 3-402. Administration of Program. The University's Department of Admissions and Records shall be responsible for administering policies and procedures governing residency requirements for in-state tuition. Such policies shall include factors and circumstances considered in establishing the domicile of a student, and procedures for the establishment of residency and/or reclassification. Such policies shall be issued by the Vice President for Student Affairs and approved by the President.

Case References:

Vlandis v Kline, 412 US 441 (1973) (It is not permissible to set up an irrebuttable presumption that a person enrolled as a non-resident must remain a non-resident for tuition purposes).

Schmidt v Regents of the University of Michigan, 63 Mich App 54 (1975) (University has right to set tuition levels and determine residency status).

Hooban v Boling, 503 F2d 648 (CA 6, 1974), cert den 421 US 920 (1975) (same); *Houslohner v Regents of the University of Michigan*, 85 Mich App 611 (1978) (same).

Spielberg v Regents of the University of Michigan, 601 F Supp 994 (ED Mich, 1985) (setting forth factors to be considered in establishing domicile in Michigan); *Eastman v University of Michigan*, 30 F3d 670 (CA 6, 1994) (same).

Other References:

Opinion of Board Counsel dated April 16, 2001.

Cross-Reference:

Admissions and Records, *Residency Requirements for Tuition Purposes*

Prior Board Action:

Entire Subpart 3-4 included in October 19, 2001 Codification, Phase I.

February 21, 2004.

Entire Subpart 3-4 included in October 22, 2004 Codification, Phase II.