

RESIDENCY DETERMINATION

Related Board of Trustees Policy: BP 3.11

OPR: Vice President for Students

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To qualify for the resident tuition rate, North Carolina law (G.S. 116-143.1) requires that a legal resident must have maintained domicile in North Carolina for at least 12 consecutive months prior to the start of the semester, and met appropriate criteria to qualify for the in-state tuition rate. The state of North Carolina has introduced the Residency Determination Service (RDS), in coordination with other NC community colleges and universities, as the centralized service for determining residency for students. All applicants to NC community colleges and universities will complete the online RDS interview as part of their process for admission. The following levels describe the initial, reconsideration, and appeal process for RDS.

- **Level I - Initial Determination:** Initial determination of residency status is made by the student completing an online residency determination request. Once the online interview is completed, the residency status will be made available immediately. This determination is contingent upon submission of any required documentation to validate the decision. If a student does not submit the required documentation before the 25-day deadline, the residency status will change from resident to non-resident. Once a residency determination has been validated, the classification is valid for 15 months.
- **Level II – Reconsideration:** The RDS reconsideration process is for students who need to correct certain errors with the data they submitted during the RDS online interview, have had a change in personal circumstances since completing their current determination, or did not submit the required documentation within the initial consideration timelines. Students have 25 days after initiating the request to submit all required documentation. A student may apply for up to three reconsideration requests every 90 days if one of the foregoing criteria has changed.
- **Level III – RDS Appeal:** The RDS Appeal process is for students whose circumstances have not changed, but who believe their residency classification is incorrect. A student has ten days from the date of the determination they are appealing, or a status change due to a failed validation, to submit a Notification of Appeal through the RDS online system. Students have the ability to provide additional information and documentation relating to the appeal request. Students can also request a face-to-face hearing. Once the appeal process is initiated, a student has 25 days to submit any required documentation required for the appeal.
- **Level IV – SEAA Statewide Appeal Committee:** The NC State Education Assistance Authority (SEAA) Statewide Appeal Committee process is for students who disagree with the RDS appeal determination. This is the final step in the residency appeal process, unless a student chooses to move forward with judicial review. Students have ten days from the date of the RDS appeal to submit a SEAA Notification of Appeal. All required documents must be submitted within 25 days. RDS will notify the student of the SEAA decision within ten days. The SEAA is

exempt from the NC Administrative Procedure Act (except for judicial review) and such entities are not required to provide decision rationale in the notification.