

July 11, 2023

ITEM 207-101-R0723

Request for Approval to Revise Board of Regents Policy 940.1, Residency

THAT

The Board of Regents approves amendments to BOR Policy 940.1 regarding residency to eliminate policy loopholes and make the policy more understandable to students and campus decisionmakers.

EXPLANATION

The proposed revisions represent a comprehensive package of changes to clarify the Board's residency policy by: (1) establishing that the test for residency and fees purposes is unique; (2) simplifying and strengthening the language explaining what acts are required for residency; (3) clarifying the 12-month test of domicile to explain what acts are required to meet the test; (4) clarifying what is required to sever ties with a former state of residence; (5) outlining the paths for dependent and independent students; (6) clarifying when use of an affidavit of intent is appropriate; (7) eliminating redundant language and cleaning up policy clutter; (8) adding a new presumption for students who obtain a loan, financial assistance, or any benefit requiring residence in another state; (9) using more precise language to reference military service; (10) clarifying the credit load presumption; (11) revising the test for professional program students to allow reclassification after meeting the 12-month test and maintaining a primary residence in Montana for 12 months before starting school; (12) consolidating and clarifying the exceptions related to service members, veterans, and their spouses and dependent children; (13) clarifying what constitutes full-time employment for purposes of the employment exception; (14) adding a tax filing requirement to the employment exception; (15) adding a presumption regarding the timing of employment to the employment exception; (16) adding an exception to the policy for employees of the Montana University System; (17) adding an exception to the policy for incarcerated individuals participating in a Second Chance Pell or Prison Education Program; (18) clarifying that BOR Policy 203.5.2 regarding appeals applies to residency appeals; (19) deleting the reference to a non-existent form; and (20) making the deadline to appeal to BOR 30 days, which is consistent with BOR Policy 203.5.2.

As these proposed revisions were developed, OCHE consulted with MACRAO (the state registrar and admissions officer association), a work group of campus administrators, and registrar, admissions, and military and veterans contacts across the system.

ATTACHMENTS

Attachment #1: Proposed revisions to BOR Policy 940.1

Attachment #2: Description of revisions following May meeting