



No. 2207 Rev.: 3

***Policies and Procedures***

**Date: July 25, 2022**

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**Subject: Domicile and In-State Tuition Determinations and Appeals**

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**1. Purpose**

This policy addresses the determination of a student’s domicile and provides for an appeal process of such determinations. The determination of domicile will, in most cases, result in a student paying either in-state or out-of-state tuition and will determine eligibility for state financial aid. Additionally, this policy addresses eligibility for in-state tuition that is not based on a domicile determination. This policy is consistent with the [Code of Virginia](#), the interpretive guidelines published by the [State Council of Higher Education for Virginia](#) (SCHEV), and the policy of the [Virginia Community College System](#) (VCCS).

Determination of domicile frequently requires using professional judgment to balance the letter and intent of the law with the interests of the student. This policy is not intended to address every potential situation that may occur. Rather, it is intended to provide a framework for determination of domicile in general and for addressing the unusual situations in a consistent manner across the college's four campuses.

## **2. Policy**

### **2.1. Domicile Determinations**

Tidewater Community College (TCC) shall make determinations of domicile and in-state tuition eligibility in accordance with the provisions of the [Code of Virginia - Title 23](#) and the interpretive guidelines promulgated by the State Council for Higher Education in Virginia (SCHEV).<sup>1</sup> The initial determination shall be based on the student's responses to the Domicile Determination Form section of the VCCS Application for Admission. In some cases, the student may be required to present certain documentation in order to verify a pending domicile/in-state tuition determination.

The student shall be notified of the domicile/in-state tuition determination in the acceptance letter which shall be sent within 24 hours of TCC's receipt of the Application for Admission. In cases in which the domicile/in-state tuition decision is pending the provision of certain documents, the student shall be advised to contact the Admissions and Enrollment Office.

### **2.2. Appeal of Domicile/In-State Tuition Determinations**

In accordance with the [Code of Virginia - Title 23.1. Institutions of Higher Education](#), TCC shall provide an appeals process for students who believe their domicile/in-state tuition status was determined incorrectly. The process shall consist of an intermediate review of the initial determination at the campus level and a final administrative decision conducted by the College Registrar. The decision of the College Registrar shall be transmitted to the student in writing in a reasonable timeframe. The decision of the College Registrar shall be final, subject to review by the circuit court of the jurisdiction in which the campus at which the appeal originated is located.

### **2.3. Domicile Reclassification**

In addition to the appeals process, TCC shall provide a domicile reclassification process for students whose circumstances change after the initial determination of domicile status. The domicile reclassification process shall not be used to appeal or correct an error made in the initial determination of domicile. The reclassification process shall include a determination of the effective date of the change of status based on the documents provided in support of the reclassification request. A domicile determination made in response to a reclassification request may be subject to the appeals process if the student believes the decision was incorrect.

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<sup>1</sup> In the event that the SCHEV guidelines do not reflect the current provisions of the [Code of Virginia](#), the latter takes precedence.

## **2.4. Implementation of Changes**

### **2.4.1. Appeals**

In the event that a decision resulting from the College Registrar results in a change in domicile/in-state tuition status and provided the appeal was submitted in a timely manner and does not reflect a change in the student's circumstances, any resulting change in tuition status shall be effective from the beginning of the term for which the appeal was submitted.

### **2.4.2. Reclassification**

Any change in tuition status resulting from a reclassification request shall be effective for the next academic term following the effective date of the change as determined in the reclassification process. However, no change in tuition status shall be made in a term prior to the term in which the complete reclassification request is submitted to the college.

## **2.5. Domicile Decision Makers**

### **2.5.1. Domicile Coordinator and Officers**

The Domicile Coordinator shall appoint in writing a Domicile Officer and one or more Alternate Domicile Officers (collectively, referred to as "Domicile Officers") who shall be responsible for acting on reclassification requests and conducting the intermediate review in cases of appeals of domicile determinations. The Domicile Coordinator and Officers shall be familiar with and remain current on the relevant sections of the [Code of Virginia](#) and with the [SCHEV Domicile Guidelines](#).

## **2.6. Documentation of Decisions**

Each domicile/in-state tuition determination shall be made on the basis of appropriate documentation as delineated in the procedures associated with this policy. Such documentation shall be retained in a retrievable format for verification of the soundness of the determination for a period of three (3) years after the student's graduation or last attendance per the [Records Retention and Disposition Schedule](#) for college and university records promulgated by the Library of Virginia.

## **2.7. Consistency of Domicile Decisions**

The College Registrar shall semi-annually review a representative sample of the initial determinations where the status was pending provision of documentation, and intermediate review and reclassification decisions were made. For each decision, the review shall determine the adequacy of the documentation and validity of the decision based on that documentation, the [Code of Virginia – Title 23](#), [SCHEV Domicile Guidelines](#) in place at the time of the decision, and any special circumstances or considerations applied to the decision. The results of such reviews shall be reported to the Vice President for Student Affairs.

## **2.8 Non-Domiciliary Decisions**

TCC shall afford in-state tuition eligibility to certain individuals (e.g. active duty

military, their dependents, veterans, and veterans' dependents using Post 9/11 GI Bill ® or Montgomery GI Bill ®) as authorized in the [Code of Virginia - Title 23.1. Institutions of Higher Education](#) and [Public Law 113-146; Section 702](#), the Veterans Choice Act, without regard to domicile. Such decisions shall be made by the individuals authorized to make domicile determinations. In addition, the Center for Military and Veterans Education staff designated by the Vice President for Student Affairs shall be authorized to make non-domiciliary decisions regarding eligibility for in-state tuition. The appeals and reclassification processes for domicile determinations shall be applied to these decisions.

### **3. Responsibilities**

The Vice President for Student Affairs shall be responsible for developing and maintaining procedures that are consistent with this policy and that comply with applicable regulations, policies, and procedures of the Virginia Community College System, the laws and regulations of the Commonwealth of Virginia, and the interpretive guidance provided by the State Council for Higher Education of Virginia.

### **4. Procedures**

Procedures for this policy are located on the website.

### **5. Definitions**

For definitions associated with domicile determinations, see [SCHEV Domicile Guidelines](#)

### **6. References**

[Code of Virginia - Title 23.1. Institutions of Higher Education](#)

[Library of Virginia Records, Retention and Disposition Schedule](#)

[SCHEV Domicile Guidelines](#)

[The Public Law 113-146, Section 702 \(The Veterans Choice Act\)](#)

[Virginia Community College System \(VCCS\)](#)

### **7. Review Periodicity and Responsibility**

The Vice President for Student Affairs shall review this policy annually on the anniversary of its approval and, if necessary, recommend revisions.

### **8. Effective Date and Approval**

This revision to the policy is effective upon its approval by the College President on July 25, 2022.

Policy Approved:

Procedure Developed:

Marcia Conston, Ph.D.  
President

Karen Campbell, Ph.D.  
Vice President for StudentAffairs

## **9. Review and Revision History**

The initial version of this policy was approved on July 25, 2013.

- Revision 1 modified appendices B and C to reflect current practice and options for non-domiciliary determinations of eligibility for in-state tuition.

Approved February 27, 2014 by President Edna V. Baehre-Kolovani, Ph.D.

- Revision 2 adds the provisions of The Veterans Choice Act into the procedures used in the domiciliary process. This revision also removes the domicile forms as appendices from the policy to facilitate more efficient changes on those forms in the future.

Approved August 4, 2016 by President Edna V. Baehre-Kolovani, Ph.D.

- Revision 3 updates titles, aligns with college structure, updates hyperlinks, adds section 2.8 Non-Domiciliary Decisions, and removes section 2.5.2 College Domicile Appeal Committee.

Approved on July 25, 2022 by President Marcia Conston, Ph.D.