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# policies & procedures

*for the  
Determination of In-State Status  
for Fee and Tuition Purposes*

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## **The Role of the University**

Coastal Carolina University is required under guidelines enacted by the South Carolina Legislature to determine the residence classification of applicants and students for purposes of tuition and fees. The initial determination of one's resident status is made at the time of admission. Currently enrolled students are responsible for notifying the Residency Coordinator in the Office of the Registrar of any changes that might impact residency classification. The burden of proof rests with the student to show evidence as deemed necessary to establish and maintain residency status.

## **The Application Process**

Persons applying for resident classification must complete a Residency Application and supply supportive documentation by the official first day of class for the semester in which residency is being requested. The application can be accessed online at [www.coastal.edu/admissions/applications/SCResidencyApplication.pdf](http://www.coastal.edu/admissions/applications/SCResidencyApplication.pdf). Persons who fail to complete required documentation by this deadline will result in the application being considered for the following semester.

## **South Carolina Laws Governing Residence**

The rules regarding the establishment of legal residence for tuition and fee purposes at the University are governed by the South Carolina Code of Laws. Under the law, residence for tuition and fee purposes can be established by an independent citizen or by certain aliens. There are also provisions in the law applicable to the resident classification of dependent persons. Generally, the resident status of a dependent person is based on the resident status of the parent, spouse or legal guardian upon whom the person is financially dependent.

## **Resident Classification**

Independent persons who have physically resided and been domiciled in South Carolina for 12 continuous months immediately preceding the date classes begin for the semester for which resident status is claimed may qualify to pay in-state tuition and fees. The 12-month residency period starts when the independent person establishes the intent to become a South Carolina resident. (See *Establishing Requisite Intent* below.)

If a person is under the age of 24, the individual must prove he or she is an independent person. An independent person must provide more than half of his or her support during the 12 months immediately prior to the date that classes begin for the semester for which resident status is requested. An independent person cannot be claimed as a dependent or exemption on the federal tax return of his or her parent, spouse or guardian for the year in which resident status is requested.

The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person's support and claims the dependent person as a dependent for federal income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse or legal guardian.

Physical presence within the state solely for educational purposes does not constitute the establishment of South Carolina residence for tuition and fee purposes, regardless of the length of stay.

Resident status may not be acquired by an applicant or student while residing in South Carolina for the sole purpose of enrollment in an institution or for access to state-supported programs designed to serve South Carolina residents.

## Establishing Requisite Intent

If a person asserts that his or her domicile has been established in this state, the individual has the burden of proof. Such persons must provide to the Residency Coordinator any and all evidence they believe satisfies the burden of proof. The Residency Coordinator will consider any and all evidence provided concerning such claim of domicile, but will not necessarily regard any single item of evidence as conclusive evidence that domicile has been established.

For independent persons or the parent, spouse or guardian of dependent persons, examples of intent to become a South Carolina resident may include, although any single indicator may not be conclusive, the following criteria:

- (1) Statement of full-time employment
- (2) Designating South Carolina as state of legal residence on military record
- (3) Possession of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 90 days of the establishment of the intent to become a South Carolina resident will delay the beginning date of residency eligibility.
- (4) Possession of a valid South Carolina vehicle registration card. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident will delay the beginning date of residency eligibility.
- (5) Maintenance of domicile in South Carolina
- (6) Paying South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed
- (7) Ownership of principal residence in South Carolina
- (8) Licensing for professional practice (if applicable) in South Carolina

The individual must also show an absence of this evidence in other states during any period for which residence in South Carolina is asserted before the student is eligible to pay in-state rates.

Any one of these factors or any group of these factors are not necessarily determinative. Each case is decided individually on the basis of all facts submitted.

## Maintaining Residence

A person's temporary absence from the State does not necessarily constitute loss of South Carolina residence unless the person has acted inconsistently with the claim of continued South Carolina residence during the person's absence from the State. The burden is on the person to show retention of South Carolina residence during the person's absence from the State. Steps a person should take to retain South Carolina resident status for tuition and fee purposes include: continuing to use a South Carolina permanent address on all records; maintaining South Carolina driver's license and vehicle registration; and satisfying South Carolina resident income tax obligation. Individuals claiming permanent residence in South Carolina are liable for payment of income taxes on their total income from the date that they established South Carolina residence. This includes income earned in another state or country.

## Divorced or Separated Parents

The resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes; or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his or her college tuition and fees.

## Non-Resident Aliens, Non-Citizens and Non-Permanent Residents

An independent person who is an alien may be entitled to resident, in-state classification if the person has been lawfully admitted to the United States for permanent residence provided that all other domiciliary requirements are met. Time spent living in South Carolina immediately prior to the awarding of permanent resident status does not count toward the 12-month residency period. Non-resident aliens present in the United States under the terms of visa classification "A", "G", "H", "K", "L" or "N" who can demonstrate permanent residence in South Carolina for at least 12 months while holding such visas may be entitled to resident classification. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

A dependent alien may be entitled to resident classification if the alien and the parent of the alien have been lawfully admitted to the United States for permanent residence and the parent has physically resided and established permanent residence in South Carolina for at least 12 months after admission for permanent residence.

## Exceptions

Persons in the following categories qualify to pay in-state tuition and fees without having to establish a permanent home in the state for 12 months. Persons who qualify under any of these categories must meet

the conditions of the specific category on or before the first day of class of the term for which payment of in-state tuition and fees is requested.

### **1. Military Personnel and their Dependents**

Members of the United States Armed Forces (Air Force, Army, Marine Corps, Navy and Coast Guard) who are permanently assigned in South Carolina on active duty and their dependents are eligible to pay in-state tuition and fees. When such personnel are transferred from the state, their dependents may continue to pay in-state tuition and fees for an additional 12 months. Such persons (and their dependents) may also be eligible to pay in-state tuition and fees for a period of 12 months after their discharge from the military, provided they have demonstrated an intent to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least 12 months immediately preceding their discharge. (See *Establishing Requisite Intent*) Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the 12 month “physical presence” requirement for them or their dependents to qualify to pay in-state tuition and fees.

### **2. Faculty and Administrative Employees with Full-Time Employment and their Dependents**

Full-time faculty and administrative employees of South Carolina state-supported colleges and universities and their dependents are eligible to pay in-state tuition and fees.

### **3. Residents with Full-Time Employment and their Dependents**

Persons who reside, are domiciled, and are employed full-time (minimum of 37.5 hours a week on a single job and/or are eligible for full-time benefits) in the state and who continue to work full-time until they meet the 12-month requirement and their dependents are eligible to pay in-state tuition and fees, provided that they have taken steps to establish a permanent home in the state. (See *Establishing Requisite Intent* for these steps which must be taken.)

### **4. Retired Persons and their Dependents**

Retired persons who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in-state rates if they maintain residence and domicile in the state. Persons on terminal leave who have established residency in South Carolina may be eligible for in-state rates even if domiciled in the state for less than one year if they present documentary evidence from their employer showing they are on terminal leave. The evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity when he/she retires.

## **Contract for Services**

South Carolina residents who wish to participate in the Contract for Services program sponsored by the Southern Regional Education Board must have continuously resided in the state for other than educational purposes for at least two years immediately preceding application for consideration and must meet all other residency requirements during this two-year period.

## **Effect of Change of Residency**

Any dependent person of a legal resident of this state who has been domiciled with his or her family in South Carolina for a period of not less than three years and whose family’s domicile in this state is terminated immediately prior to his or her enrollment because of an employer-directed transfer (not voluntary change in residency) may enroll at the in-state rate. A student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in-state rates in subsequent semesters.

If a dependent or independent person has been domiciled in South Carolina for fewer than three years, eligibility for in-state rates shall end on the last day of the academic session during which domicile is lost.

## **Effect of Marriage**

If a non-resident marries a South Carolina resident, the non-resident does not automatically acquire South Carolina resident status. The non-resident may acquire South Carolina resident status if the South Carolina resident is an independent person and the non-resident is a dependent of the South Carolina resident.

Marriage to a person domiciled outside South Carolina shall not be solely the reason for precluding a person from establishing or maintaining domicile in South Carolina and subsequently becoming eligible or continuing to be eligible for residency.

No person shall be deemed solely by reason of marriage to a person domiciled in South Carolina to have established or maintained domicile in South Carolina and consequently to be eligible for or to retain eligibility for South Carolina residency.

## **Inquiries and Appeals**

Inquiries regarding residency requirements and determinations should be directed to:

### **New students and students applying for readmission:**

Office of Admissions  
843-349-2151 or 1-800-277-7000 • admissions@coastal.edu

### **Students currently enrolled at Coastal Carolina University:**

Office of the Registrar  
843-349-2019 • registrar@coastal.edu

### **No other University personnel are authorized to supply information relative to residency requirements for tuition and fee purposes.**

Any person, following a final decision on residence classification by the Residency Coordinator, may make an appeal to the University Appeals Committee on Legal Residence. The committee, however, is bound by the same law as the Residency Coordinator, so its purpose is only to review the facts and details of any case brought before it to evaluate the correctness of the decision made by the Residency Coordinator. Neither the committee nor the coordinator may waive the provisions of the law.

## Incorrect Classification

Persons incorrectly classified as residents are subject to reclassification and to payment of all non-resident tuition and fees not paid. If incorrect classification results from false or concealed facts, such persons may be charged tuition and fees past due and unpaid at the out-of-state rate. The violator may also be subject to administrative, civil and financial penalties. Until these charges are paid, such persons will not be allowed to receive transcripts or graduate from a South Carolina institution. Residents whose resident status changes are responsible for notifying the Residency Coordinator of such changes.

**NOTE: This is a summation, not a complete explanation of the law regarding residence. A copy of the law may be obtained online, at the Office of Admissions or the Office of the Registrar. To read further about residency regulations for the determination of in-state fees, contact the State of South Carolina Web site:**

[www.che.sc.gov/StudentServices/Residency](http://www.che.sc.gov/StudentServices/Residency)

*The residency requirements are subject to change without notification.*

## Definitions

**DOMICILE** - the true, fixed, principal residence and place of habitation. It is the place where a person intends to remain, or to where one expects to return upon leaving without establishing a new domicile in another state.

**RESIDE** - continuous and permanent physical presence within the State.

**DEPENDENT PERSON** - one whose predominant source of income or support is from payments from a parent, spouse or guardian and who qualifies as a dependent or exemption on the federal income tax return of the parent, spouse or guardian. A dependent person is also one for whom payments are made, under court order, for child support and the cost of the dependent person's college education. A dependent person's residency is based upon the residency of the person upon whom they are dependent.

**INDEPENDENT PERSON** - one in his or her majority (18 years of age or older) or an emancipated minor, whose predominant source of income is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial loans or payments made in accordance with a court order. An independent person must provide more than half of his or her support during the 12 months immediately prior to the date that classes begin for the semester for which resident status is requested. An independent person cannot be claimed as a dependent or exemption on the federal tax return of his or her parent, spouse or guardian for the year in which resident status is requested.

## Steps Towards Residency

Physical presence in the state of South Carolina for one year does not, in itself, satisfy the 12-month domicile requirement. The 12-month domicile period only begins to be measured when the independent person has concluded all steps which established a legal connection to South Carolina. Such steps may include, but are not limited to:

### • INDEPENDENT STATUS

Documentation for proof of residency as an independent person:

- South Carolina Driver's License or South Carolina Identification Card issued 12 months prior to the beginning of the academic semester
- South Carolina Vehicle Registration Card issued 12 months prior to the beginning of the academic semester
- Affidavit of Financial Independence showing predominant source of income for 12 months prior to the beginning of the academic semester (pay stubs can support claim)
- Federal Income Tax forms filing as an independent person and showing no one else claims the student in the previous tax year
- South Carolina State Tax Forms (must file as a resident)
- Proof of permanent domicile in the state – i.e., copies of all leases held during 12 months preceding semester for which one is applying

### • DEPENDENT STATUS

Credentials of the person upon whom in-state determination are based:

- South Carolina Driver's License or South Carolina Identification Card issued 12 months prior to the beginning of the academic semester
- South Carolina Vehicle Registration Card issued 12 months prior to the beginning of the academic semester
- Federal Income Tax Return demonstrating the relationship to the student in the previous tax year – i.e., claiming the student as a dependent or a joint filer
- South Carolina State Tax Form (must file as a resident)
- Proof of permanent domicile in the state – i.e., copies of all leases held during 12 months preceding semester for which one is applying

### • FULL-TIME EMPLOYMENT or RETIREMENT STATUS in SOUTH CAROLINA

- South Carolina Driver's License or South Carolina Identification Card
- South Carolina Vehicle Registration Card
- Federal Income Tax Form filing as an independent person in the previous tax year
- South Carolina State Tax form (must file as a resident)
- Letter of full-time employment verification on appropriate corporate letterhead or retirement verification and most recent pay stub or deposit
- Proof of permanent domicile in the state – i.e., copies of all leases held during 12 months preceding semester for which one is applying

### • ACTIVE MILITARY STATUS

- Military orders assigning applicant or sponsor to active duty in South Carolina

**Any and all documentation must be provided that supports a claim of residency for tuition and fee purposes.**