

July 16, 2017

CODED MEMORANDUM

ASA-2017-17

TO: CSU Presidents

FROM: Eric G. Forbes 
Assistant Vice Chancellor

SUBJECT: Amendments to Title 5 Residency Appeals Process

The recent amendments to the California Code of Regulations, Title 5, Section 41908, *Residency Appeals Process* identify content that must be included in correspondence and communication regarding non-resident residency determination for tuition purposes issue on or after June 15, 2017.

At the May 24, 2017, CSU Board of Trustees meeting, the trustees approved amendments to Section 41908. These changes relate specifically to the appeals process and do not modify residency requirements. The changes set forth new criteria for appeals, shorten the number of calendar days within which an appeal can be submitted and remove the Office of General Counsel as the designated unit within the Office of the Chancellor to review appeals.

Section 41908 has been amended as follows:

Any student, following a final campus decision concerning the student's residence classification, may make a written appeal to the Chancellor's Office within 30 calendar days of the issuance of the notification of the final campus decision. The campus decision may be appealed only if at least one of the following applies:

1. The decision was based on:
 - a) a significant error of fact;
 - b) a significant procedural error; or
 - c) an incorrect application of law which, if corrected, would require that the student be reclassified as a resident; and/or,
2. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

On June 15, 2017, the Secretary of State accepted the Board of Trustees amendments to section 41908. This date serves as the effective date for the CSU to implement the changes. As a result, campus residency determinations and reclassification request determinations made on or after this date must include the new residency appeal criteria and process information on all correspondence to students. If a determination letter was issued on or after June 15th citing the old appeal criteria, the campus must reissue the letter with the new appeal criteria and provide the student with 30 days from the date of the reissued letter to appeal. In addition, all websites and other communications must be updated. The following provides the specific language to include on the residency determination letters and websites.

Residency Determination Letters

The letter must include the following content:

If you disagree with this decision, you have the right to appeal. You may make a written appeal to the Chancellor's Office within 30 calendar days of the issuance of the notification of the final campus decision. The campus decision may be appealed only if at least one of the following applies:

1. The decision was based on:
 - a) a significant error of fact;
 - b) a significant procedural error; or
 - c) an incorrect application of law which, if corrected, would require that the student be reclassified as a resident; and/or,
2. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

You must explain why your appeal meets one or more of the above appeal criteria and provide supporting documentation. For example, a "significant error of fact" could be demonstrated by stating that the campus incorrectly determined that a specific document, such as a driver's license, was untimely and by providing a copy of the document establishing the error. An appeal that only states "a significant error of fact," will be denied.

If you decide to appeal, you may appeal in writing* to:

The California State University
Office of the Chancellor
Student Academic Services
401 Golden Shore, 6th Floor
Long Beach, California 90802-4210

* Written appeals will be accepted through July 30, 2017. Starting August 1, 2017, appeals should be submitted online at <https://calstate.infoready4.com/#manageCompetitionsDetail/1760156>

Web Content

Websites and other communications must state the following:

Students classified as nonresidents may appeal to the Chancellor's Office within 30 calendar days of the issuance of the notification of the final campus decision. The campus decision may be appealed only if at least one of the following applies:

1. The decision was based on:
 - a) a significant error of fact;
 - b) a significant procedural error; or
 - c) an incorrect application of law which, if corrected, would require that the student be reclassified as a resident; and/or,
2. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

Students must explain why the appeal meets one or more of the above appeal criteria and provide supporting documentation. For example, a "significant error of fact" could be demonstrated by stating that the campus incorrectly determined that a specific document, such as a driver's license, was untimely and by providing a copy of the document establishing the error. An appeal that only states "a significant error of fact," will be denied.

A campus residency classification appeal must be in writing and submitted to:

The California State University
Office of the Chancellor
Student Academic Services
401 Golden Shore, 6th Floor
Long Beach, California 90802-4210

* Written appeals will be accepted through July 30, 2017. Starting August 1, 2017, appeals should be submitted online at <https://calstate.infoready4.com/#manageCompetitionsDetail/1760156>

Questions concerning the appeal changes and content may be referred to Dr. Ana Aguayo-Bryant, assistant director, Student Programs, at aaguayo@calstate.edu or (562) 951-4729.

EF/bjc

- c: CSU Provosts/Vice Presidents for Academic Affairs
CSU Vice Presidents for Student Affairs
Directors of Admissions and Records
State University Registrars