

CHAPTER 507. FINANCE AND ADMINISTRATION

DETERMINATION OF STUDENT DOMICILE

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Authority

The provisions of this Chapter 507 issued under section 2006-A of the Public School Code of 1949 (24 P. S. § 20-2006-A), unless otherwise noted.

Source

The provisions of this Chapter 507 adopted November 15, 1985, effective November 16, 1985, 15 Pa.B. 4129, unless otherwise noted.

DETERMINATION OF STUDENT DOMICILE

§ 507.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Clear and convincing evidence—Evidence sufficient to convince a reasonable mind that a fact sought to be proved is more likely than not true.

Domicile—The place where one intends to reside permanently or indefinitely and does in fact so reside.

Student—An individual enrolled in a program, course or course of study in a university.

Tuition fee—The instructional fee established by the Board of Governors for Commonwealth residents attending the universities and the tuition assessed residents of other states attending the universities.

University—Any of the 14 universities now constituting the State System of Higher Education, as enumerated at 24 P. S. § 20-2002-A, and other universities as may be admitted after November 16, 1986, to the State System of Higher Education under statute.

§ 507.2. Classification.

The universities shall, subject to this chapter, determine the residential classifications of students. Students who are domiciled in this Commonwealth shall be assessed the tuition fee applicable to Commonwealth residents and other students shall be assessed the tuition fee applicable to nonresidents.

§ 507.3. Determination of domicile.

Domicile is the place where one intends to reside either permanently or indefinitely and does in fact so reside. The presumptions and forms of evidence set forth in this section shall be considered by the universities in making their determinations.

(1) Continuous residence in this Commonwealth for a period of 12 months prior to registration as a student at an institution of higher education in this Commonwealth creates a presumption of domicile. A student is presumed not to be a domiciliary if the student has resided for a shorter period before attending an institution of higher education, but the student may rebut this presumption by clear and convincing evidence.

(2) Students who are not United States citizens, and have nonimmigrant visas or lack visas, are presumed not to be domiciled in this Commonwealth, but they may rebut this presumption by clear and convincing evidence.

(3) A minor is presumed to have the domicile of his parents or guardian. The age of majority for establishing a domicile for tuition purposes is 22. A minor may prove financial emancipation and thereby prove Pennsylvania domicile through clear and convincing evidence.

(4) A United States government employe or a member of the armed forces who was domiciled in this Commonwealth immediately preceding entry into government service and who has continuously maintained Pennsylvania as his declared legal residence, shall be presumed to have a Pennsylvania domicile. Nonresidents stationed in this Commonwealth for military service shall be deemed Pennsylvania domiciliaries.

(5) A student receiving a scholarship, loan or grant, dependent upon maintaining domicile in a state other than Pennsylvania, is presumed to be domiciled in the state from which he is receiving financial aid.

(6) Rules of evidence are as follows:

(i) The following factors may be considered as evidence of domiciliary intention but may be given weight that the finder of fact given the circumstances of each case may assign to them:

(A) Lease or purchase of a permanent, independent residence within this Commonwealth by the student.

(B) Payment of appropriate State and local taxes. Special attention should be given to payment of Pennsylvania taxes on income earned during periods of temporary absence from this Commonwealth.

(C) Transfer of bank accounts, stocks, automobiles and other registered property to Pennsylvania from another state.

(D) Procurement of a Pennsylvania driver's license.

(E) Procurement of a Pennsylvania motor vehicle registration.

(F) Agreement for permanent, full-time employment in this Commonwealth.

(G) Membership in social, civic, political, athletic and religious organizations located in this Commonwealth.

(H) Registration to vote in this Commonwealth.

(I) A sworn statement by the student or his parents or guardian in the case of a minor declaring his intention to make this Commonwealth his residence either permanently or for an indefinite period of time.

(J) A sworn statement from the parents or guardian of a minor setting forth facts to establish the minor's financial independence and separate residence.

(ii) Each case shall be decided on the basis of facts submitted, with qualitative rather than quantitative emphasis. No given number of factors is required for domicile, since the determination in each case is one of the subjective intention of the student to reside permanently or indefinitely in this Commonwealth.

§ 507.4. Procedures for reclassification.

A student may challenge the university's determination of his domicile. Challenges shall be made in accordance with the following-stated procedures.

(1) A student who is dissatisfied with the university's determination of his classification may challenge it by filing a written petition with the university officer or committee designated by the university president to consider challenges within 30 days after issuance of the determination. The petition shall contain a statement of reasons in support of the student's claim of Pennsylvania domicile and supporting documentation the student may wish to submit. Untimely petitions may not be considered.

(2) The university shall date stamp all petitions on the date of receipt.

(3) The student shall also execute a data form which shall be provided the university by the Office of the Chancellor.

(4) When a student's petition is denied, the university officer or committee which considered it shall issue a written statement of the reasons for its decision and transmit it to the student's last known address by means of first class mail. The date of mailing shall be set forth on the face of the written decision but failure to do so may not invalidate the decision.

§ 507.5. Appeals.

(a) A student who is dissatisfied with the decision made by the officer or committee in response to his petition, may appeal it by sending a written appeal to the Office of the Chancellor of the State System of Higher Education, Post Office Box 809, 301 Market Street, Harrisburg, Pennsylvania 17108.

(b) The written appeal shall be received by the Office of the Chancellor within 30 days of the date the university's decision was mailed to the student. The written appeal shall set forth the reasons why the student feels the university's decision is erroneous.

(c) The Office of the Chancellor shall notify the university of the appeal. Upon notice, the university shall transmit to the Chancellor or his designee, copies of the student's data form and its statement of reasons. The Chancellor or his designee may require the student and the university officer or committee to meet to stipulate as to all undisputed facts.

(d) The student and the university may submit written arguments in support of their positions to the Chancellor or his designee in accordance with the limitations as that office may prescribe.

(e) The Chancellor or his designee shall issue a written decision granting or denying the student's appeal and shall transmit it to the student and the university by first class mail.

(f) Within the State System of Higher Education the decision of the Chancellor shall be final.

§ 507.6. Effective dates of reclassification.

(a) A reclassification which occurs because a petition or appeal is granted shall be effective the date it is determined that the student became a Pennsylvania domiciliary. If a petition or appeal was filed while the student was not enrolled the reclassification shall be effective the next semester or term in which the student is taking course work.

(b) Involuntary reclassifications made under § 507.7(b) (relating to change of domicile) shall be effective as of the date on which the university determines that the student has changed permanent residences and is no longer a Pennsylvania domiciliary. Students who change domiciles between semesters or terms shall be reclassified the next semester or term of enrollment.

(c) The Chancellor may, for good cause and at his discretion, vary the effective dates of reclassifications.

§ 507.7. Change of domicile.

(a) A student who changes his domicile from Pennsylvania to another state shall promptly give notice to the university.

(b) A university may reclassify a student in the event it believes he is no longer a Pennsylvania domiciliary. The student may challenge the determination under the procedures provided in this chapter.

Cross References

This section cited in 22 Pa. Code § 507.6 (relating to effective dates for reclassification).

**OPERATION OF MOTOR VEHICLES
ON UNIVERSITY CAMPUSES****§ 507.11. Scope.**

This chapter is applicable to a person operating a motor vehicle on facilities under the exclusive control of the State System of Higher Education.

Authority

The provisions of this § 507.11 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

Source

The provisions of this § 507.11 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285. Immediately preceding text appears at serial page (103817).

§ 507.12. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Facility—A site at which the State maintains administrative headquarters, universities, branch campuses, extension centers and other System-owned or operated sites.

Highway—A drive, lane, road, street or trail located on a facility.

Motor vehicle—A self-propelled vehicle other than a bicycle.

Authority

The provisions of this § 507.12 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

Source

The provisions of this § 507.12 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285. Immediately preceding text appears at serial page (103817) to (103818).

§ 507.13. Crimes and offenses relating to the operation and parking of a motor vehicle.

(a) *Operation.* Each of the following activities constitutes a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) when committed on a System facility.

(1) Operation of a motor vehicle on a highway at a speed in excess of the maximum posted limit.

(2) Operation of a motor vehicle on a highway posted as closed to motor vehicles.

(3) Operation of a motor vehicle without snow tires or chains on a designated snow emergency route during a declared snow emergency.

(4) Operation of a motor vehicle causing noise which is unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(5) Operation of a motor vehicle being used for business or commerce without specific written approval from the facility's chief executive officer.

(6) Operation of a motor vehicle in areas not designated for operation of motor vehicles.

(b) *Parking.* Each of the following activities constitutes a summary offense under 18 Pa.C.S. § 7505 when conducted on a System facility.

(1) Parking a motor vehicle other than in a designated or posted parking area.

(2) Parking a motor vehicle which obstructs a gate, road, bicycle path, access way, drinking fountain, entrance, exit or road turnaround.

(3) Parking a motor vehicle in an area which is posted or closed, without written approval of the facility's chief executive officer or a designee.

(c) *Fines.* The Board of Governors (Board) will set the amounts of the fines for each campus or facility upon the recommendation of the chancellor or the respective university president.

(1) The chancellor shall submit requests from the presidents to the Board on an annual basis. The Board will vote in public session to approve or deny the recommended adjustments.

(2) Notice of the amounts of the fines shall be contained in the published parking rules for each campus or facility.

Authority

The provisions of this § 507.13 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

Source

The provisions of this § 507.13 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285; amended September 22, 2000, effective September 23, 2000, 30 Pa.B. 4897. Immediately preceding text appears at serial pages (249730) to (249731).

§ 507.14. Enforcement.

(a) *Towing.* A vehicle parked on a highway, parking area, or any other area in violation of parking rules may be towed at the owner's expense, upon authorization of the facility's chief executive officer or a designee.

(b) *Booting.* An immobilizing device may be placed on any vehicle with three or more delinquent tickets to compel payment of fines. A service charge, not to exceed \$50 may be assessed for the removal of immobilizers.

(c) *Notice of towing and booting.* Notice of towing and booting shall be contained in the published parking rules of facilities engaging in either practice.

(d) *Tow-away areas.* Tow-away areas shall be posted with tow-away signs.

Authority

The provisions of this § 507.14 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

Source

The provisions of this § 507.14 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285; amended September 22, 2000, effective September 23, 2000, 30 Pa.B. 4897. Immediately preceding text appears at serial page (249731).

§ 507.15. Application of the Vehicle Code.

The provisions of 75 Pa.C.S. §§ 101—9910 (relating to the Vehicle Code) are applicable to the facilities of the State System of Higher Education.

Authority

The provisions of this § 507.15 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

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Source

The provisions of this § 507.15 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285. Immediately preceding text appears at serial page (103819).

§ 507.16. Trespass.

(a) A person who violates this chapter, disregards instructions or warnings given by, or interferes with a System police officer or university employe or official may be ordered to leave the facility by the facility's chief executive officer or a designee.

(b) Refusal to leave a facility after receiving an order to leave from the chief executive officer or a designee constitutes an act of criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).

Authority

The provisions of this § 507.16 issued under section 2005-A of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. § 20-2005-A); and amended under sections 2005-A(7), 2006-A(a), 2009-A(4) and 2010-A(5) of the act of November 11, 1982 (P. L. 660, No. 188) (24 P. S. §§ 20-2005-A(7), 20-2006-A(a), 20-2009-A(4) and 20-2010-A(5)).

Source

The provisions of this § 507.16 adopted December 6, 1985, effective December 7, 1985, 15 Pa.B. 4351; amended March 29, 1991, effective March 30, 1991, 21 Pa.B. 1285. Immediately preceding text appears at serial page (103819).

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