

UNIVERSITY OF COLORADO BOULDER

APPEAL OF DENIALS OF PETITIONS FOR IN-STATE TUITION CLASSIFICATION

The Colorado tuition classification statute [C.R.S. §23-7-101, et seq.] delegates responsibility to the University to determine eligibility for in-state tuition in accordance with rules that apply to all public colleges and universities in the state. The University of Colorado is committed to a process that provides students all rights specified by law, that is fair and impartial, and that affords students full opportunity to present their cases. As a part of this process, students whose petitions for in-state tuition classification have been denied by the Tuition Classification Officer (TCO) may submit additional information for consideration by the TCO and may request a review by the University Tuition Classification Review Board. Because the regulations for in-state tuition are governed by state law, the Review Board cannot consider requests for exceptions to these regulations.

The Review Board examines the record of actions taken by the TCO as described in the following Basis for the Review and determines whether competent evidence exists to support the decision of the TCO.

BASIS FOR THE REVIEW

The basis for a review is limited to the following:

- Whether the TCO considered the appropriate evidence.
- Whether the TCO applied the appropriate sections of the Colorado Tuition Classification Statute.
- Whether the judgment of the TCO in denying in-state status was unreasonable.

THE UNIVERSITY TUITION CLASSIFICATION REVIEW BOARD

The Review Board evaluates requests for review of tuition classification decisions from the four University of Colorado campuses (University of Colorado Boulder, University of Colorado Colorado Springs, University of Colorado Denver, and the Anschutz Medical Campus). The Board includes one review officer from each campus who is experienced in the administration of the Colorado tuition classification statute. The hearing will be chaired by a review officer from a campus other than the student's campus. The review officer from the student's campus acts as non-voting secretary for the

hearing but does not participate in the committee's deliberations.

REQUESTING A REVIEW

1. Students must submit the request for review by the date specified in the notice of denial from the TCO, normally ten working days from the date of decision. Reasonable extensions will be considered.
2. Students must state the reasons for requesting a review. See above explanation of the Basis for the Review. The request for review should address the reasons for denial as explained in the notice of denial from the TCO.
3. Students may include new information with the request for review, but no new information may be presented to the Review Board in person
4. Requests for review must be submitted to the Review Officer (see address in Resources for Students, page 2). The Review Officer will consult with the TCO about the request. The TCO may reverse the original decision if the request for review or new information justifies a change. If the new information results in additional reasons for denying a student's petition, the TCO will respond to the student in writing, allowing additional time for the student to respond before consideration by the Review Board.
5. The Review Officer will request a written summary of the decision from the TCO and will submit this summary to the Review Board along with a copy of the student's petition and copies of all information and correspondence pertaining to the request for review. The Review Officer will also provide a copy of the written summary to the student at least three working days prior to the hearing. The student may request copies of any material from the petition prior to the hearing.

Students may wish to consult with the TCO about the review process and the merits of their cases prior to submitting a request for review.

REVIEW PROCEDURES

Students may appear personally to present their cases, although such appearances are not required. Students

must notify the Review Officer at the time of requesting a review if they intend to appear personally.

Students who have elected to appear personally will be notified at least three working days in advance of the time and location of the hearing. Hearings are conducted on the campus of the University of Colorado Denver. Absent sufficient extenuating circumstances, rescheduling will not be possible.

Students should present all new information with the request for review, but no later than three working days prior to the hearing.

Students may not call witnesses or present new information at the time of the hearing. If students desire to present testimony from other individuals, this information should be in the form of notarized affidavits and should be submitted with the request for review, but no later than three working days prior to the hearing.

The student may have an advisor present at the hearing. However, the advisor may not participate in the hearing, other than to counsel the student, unless invited to do so.

As specified by the tuition classification statute, the burden of proof rests with the student to provide clear and convincing evidence of eligibility for in-state status. "Clear and convincing" means that the evidence in the student's favor must be unmistakable and free from serious doubt. This standard of proof is greater than "more likely than not" but less than "beyond a reasonable doubt."

Review of tuition classification decisions by the Review Board is the University's final step in determining eligibility for in-state tuition. Judicial review of the final University decision is governed by Rule 106(a)(4), Colo. R. Civ. P.

THE HEARING

1. Students who elect to appear personally may present an oral summary of the reasons for requesting a review. This presentation should not exceed fifteen minutes. The student may not present evidence or reasons for review not previously presented in writing as described above. If the student does not elect to appear personally, the Board will examine the written record, including the request for review and all other material.
2. The board members may ask questions of the student.
3. The student is then excused.

4. The Board will normally deliberate and reach a decision immediately following the hearing.
5. The review officer from the student's campus, will inform the student of the Review Board's decision in writing, normally within one week of the date of the hearing.

ACTIONS AVAILABLE TO THE REVIEW BOARD

The Review Board has the authority to:

1. Find that the TCO did not request or consider all relevant evidence or apply appropriate sections of the law. The Board refers the case back to the TCO with instructions to reconsider the decision based on the appropriate evidence and law.
2. Find that the TCO did consider all relevant evidence and did apply the appropriate sections of the statute, but that the judgment of the TCO in denying in-state status was not reasonable. The Board must then approve the student's petition for in-state tuition.
3. Find that the TCO did consider all relevant evidence and did apply the appropriate sections of the statute and that the judgment of the TCO in denying in-state status was not arbitrary and capricious. The Board must then affirm the decision of the TCO and deny the student's petition for in-state tuition.

RESOURCES FOR STUDENTS

Students are encouraged to meet with the tuition classification officer to ask any questions about the decision, to resolve any disputed factual matters, and to ask questions about the review process.

CAMPUS TC REVIEW OFFICER ADDRESS:

Dee Anne Menzies
Associate Registrar
dee.menzies@colorado.edu
Regent Administrative Center, 105
University of Colorado Boulder
Boulder, CO 80309-0020
FAX (303) 492-8748