

# ADMINISTRATIVE MEMORANDUM

SUBJECT 1972-73 Tuition Charges for Nonresident Students -  
Exceptions to Regular Rates

NUMBER 41

DATE November 30, 1971

On November 12, 1971, the Executive Committee of the Board of Trustees passed the attached resolution which establishes exceptions to the regularly scheduled nonresident tuition rates for 1972-73. This memorandum is addressed to the problem of identifying and substantiating cases which qualify under these exceptions.

## Exception (1)

This exception provides for special consideration "in those instances in which the nonresident student is participating in an interstate regional training program approved by the Southern Regional Education Board, or in the Appalachian Regional Commission program, or in the Coastal Plains Regional Commission program, or any other limiting federally-funded program, AND when the student is selected for participation in such a program by a party other than the University." In these instances the tuition rate shall be established by negotiation with the jurisdiction or agency sponsoring the student. The negotiated rate can be no lower than the rates included in the resolution of November 12, 1971 nor higher than the regularly established nonresident rate for 1972-73. The University's representative should endeavor to secure reimbursement from the third party for the regularly established nonresident tuition rate for 1972-73. In those cases where a rate lower than the basic nonresident rate is obtained, the campus should maintain memorandum records indicating the nature of the negotiation and the reason(s) for establishing a rate less than the regular nonresident tuition rate.

"Where a nonresident student is solicited for a special talent and is thereby awarded a scholarship or fellowship," the special rates listed in the resolution would apply. "Solicited for a special talent" indicates that the student was solicited because of a specific and identifiable talent which he possesses. Evidence of solicitation should be in the form of a written offer of an award to the student (or prospective student), and signed by a duly authorized administrative official of the University. Each campus should maintain records to provide (a) evidence of solicitation and (b) identification of the special talent in all cases where reduced rates are allowed under this exception.

In addition to being "solicited for a special talent," the student must be "thereby awarded a scholarship or fellowship" in order to qualify under the exception.

"Awarded a scholarship or fellowship" shall mean a monetary award. No minimum dollar value is established for an otherwise eligible scholarship or fellowship, but each campus should adhere to a previously established pattern both in regard to the number of awards in the different areas and the amounts of the awards. Each campus should maintain records indicating (a) the nature and (b) the dollar amount of the awards.

### Exception (2)

Each campus should establish procedures for the formal review of every request for special tuition rates for nonresident graduate assistants under Exception (2). In order to qualify for the lower rate under Exception (2), each of the following conditions must be met: (a) The graduate student must have been "solicited...and is thereby awarded an assistantship." Evidence of solicitation must be in the form of a written offer of appointment addressed to the student (or prospective student), and signed by a duly authorized administrative official of the University. (b) The graduate student must be "solicited for a special talent." The student must be qualified in terms of an identifiable and specific talent. Acceptable evidence for special talent must include evidence of competence achieved through prior training in the discipline represented by the assistantship. For example, a teaching assistant or research assistant in the Department of Mathematics must have achieved through prior training a special talent in mathematics. (c) The assistantship must involve "a service appointment of an academic nature." This phrase should be interpreted strictly, as involving either teaching or research. Teaching assistants (or teaching fellows) may qualify only if they are required to participate regularly in the instructional program by teaching in classes or laboratories. It is not sufficient that they grade papers, or advise students, or prepare materials for classroom use. Research assistants may also qualify. Further, the appointment should involve a bona fide and substantial academic service. Regardless of functions performed, to qualify for a given semester, the stipend paid for services rendered must be at least \$900.

No special tuition rate shall be applicable for "an individual serving exclusively as a faculty member on a part-time basis and who is enrolled at the same time as a part-time student." One who presents as exclusive justification for a special tuition rate an appointment as teaching assistant or research assistant shall not be certified. All the conditions outlined above must be met before one can qualify under this exception.

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The following exception approved by the August 13, 1971 meeting of the Executive Committee remains in effect:

"In any case where a binding contract or vested right was in existence prior to July 13, 1971, giving rise to an enforceable obligation on the part of the University to extend to a nonresident student a tuition rate lower than would otherwise be the case under the foregoing provisions of this resolution, the same shall be honored in accordance with its terms but only for the period required thereby."

Few cases are expected to qualify under this exception. In order to qualify under this exception, the institution must have a clearly documented agreement entered into before July 13, 1971 binding the University for the 1972-73 academic year.

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Also, the "Resolution of Questions" section included in the Executive Committee resolution of August 13, 1971 remains in effect:

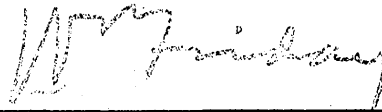
"In each instance where a question arises as to whether a particular case (or group of like cases) falls within one of the exceptions noted above, such questions shall be resolved on the basis of an opinion from the Office of the Attorney General or a ruling or interpretation from the Advisory Budget Commission, the Department of Administration, or the Budget Division, or, in the

absence of a dispositive opinion, ruling or interpretation from one of those sources, such question shall be resolved on the basis of a determination by a majority of the members of a committee to be appointed by the President and to be composed of five persons (one of whom shall be from the faculty of the Law School of the University at Chapel Hill)."

As you will recall, the special committee has been appointed with Vice President Joyner serving as chairman.

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Further questions in regard to interpretation of the attached resolution of the Executive Committee should be forwarded to Vice President Joyner for consideration by the Special Committee on Nonresident Tuition.



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William Friday, President