

# MISSOURI WESTERN STATE UNIVERSITY

## Governance Advisory Council Report 2011-2012

October 25, 2011

Volume 36, No. 1

### GOVERNANCE ADVISORY COUNCIL

October 18, 2011

Member Attendees: Dr. Jeanne Daffron, Dr. Brian Cronk, Dan Eckhoff, Dr. Susie Hennessy, Tim Kissock, Dr. Greg Lindsteadt, Dr. Murray Nabors, Dr. Philip Nitse, Alison Norris, Amy Parnell, Sally Sanders, Jacob Scott

Other Attendees: Susan Bracciano, Peter Gregory, Dr. Judy Grimes, Dr. Cindy Heider

#### **GAC #11-01 – Incomplete Grade Policy/Procedure Update**

**Source of Proposal:** Registrar's Office

**Purpose of Proposal:** Policy Revision/Procedure Revision

**Current Policy or Procedure:** MWSU Undergraduate Catalog, page 30

#### **Incomplete Grades**

Under certain circumstances, incomplete grades may be given at the discretion of the instructor. An incomplete grade may be given when accident, illness, death in the immediate family, or other documented circumstances beyond the student's control, prevent the student from completing some course requirements. An incomplete grade should only be considered when the majority of course requirements have been satisfied. Students should be aware that an incomplete grade may affect the initial calculation of academic standing, eligibility for semester honors and eligibility for federal, state or institutional financial aid programs.

An incomplete grade must be removed within eight weeks after the last final exam day for the current term (fall, spring, summer); otherwise, the grade will be recorded as an "F." Any extension of time beyond the allotted eight weeks is not permitted. After the eight week deadline, the instructor of record may, under documented and justified conditions, submit a grade change to replace the "F" (see Grade Change policy).

Any instructor recording an incomplete grade should notify his or her department chairperson along with sufficient information, so that should for any reason the instructor not be available during the eight week period, the department chairperson could assign the correct earned grade.

**Proposed Policy or Procedure:** MWSU Undergraduate Catalog (changes in bold)

### **Incomplete Grades**

Under certain circumstances **during the final grading process, an Incomplete Grade Contract may be completed, approved and signed by the instructor, student and Department Chair.** ~~incomplete grades may be given at the discretion of the instructor.~~ An incomplete grade may be given when accident, illness, death in the immediate family, or other documented circumstances beyond the student's control, prevent the student from completing some course requirements. An incomplete grade should only be considered when the majority of course requirements have been satisfied **and the student is receiving a passing grade in said coursework.** Students should be aware that an incomplete grade may affect the initial calculation of academic standing, eligibility for semester honors and eligibility for federal, state or institutional financial aid programs.

An incomplete grade must be removed within eight weeks after the last final exam day for the current term (fall, spring, summer); otherwise, the grade will be recorded as an "F". Any extension of time beyond the allotted eight weeks is not permitted. After the eight week deadline, the instructor of record may, under documented and justified conditions, submit a grade change to replace the "F" (see Grade Change policy).

**The Incomplete Grade Contract with all signatures must be submitted to the Registrar's Office by the last day to submit final grades for the term which the Incomplete grade is being requested. No Incomplete Grade Contracts will be accepted after this date. Copies of the contract should be made and given to the instructor, student and Department Chair. Any instructor recording an incomplete grade should notify his or her department chairperson along with sufficient information, so that should for any reason the instructor not be available during the eight week period, the department chairperson could assign the correct earned grade.**

**GAC Summary:** One correction was noted for the last paragraph under "Incomplete Grades." The first sentence of that paragraph should read "The Incomplete Grade Contract with all signatures must be submitted to the Registrar's Office by the last day to submit final grades for the term which the incomplete grade is being requested." This proposal is effective with the Fall 2011 semester.

**Presidential Action:** This proposal was then signed by the President on October 24, 2011.

## **GAC #11-02 – Residency Classification Guidelines Update**

**Source of Proposal:** Academic Affairs/Registrar's Office

**Purpose of Proposal:** Procedure Revision

**Current Policy or Procedure:** Current Guidelines Attached

**Proposed Policy or Procedure:** Proposed Guidelines Attached

**GAC Summary:** There were changes/additions indicated that came about after the agenda and proposals were submitted. With these revisions, this proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on October 24, 2011.

## **GAC #11-03 – Faculty Senate Constitution – Electronic Voting**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** Procedure Revision

**Current Policy or Procedure:** MWSU Policy Guide, Appendices, Faculty Senate Constitution

### **ARTICLE VI: ELECTIONS**

Section 1. Members of the Missouri Western State University Instructional Faculty (Article III) shall be eligible to vote for and to hold office in the Faculty Senate.

Section 2. At the annual Primary Election for membership in the Faculty Senate each college or school shall nominate at least two times as many members for Senate as are to be elected from their respective colleges or schools (Article V, Section 2). If more than two times as many members are nominated, an election shall be held immediately at the respective divisional meeting to narrow the list of candidates to a number equal to two times the number of seats as are to be elected from the respective college or school. This election shall be completed and results announced at least seven (7) weeks (excluding vacation periods) prior to the beginning of final examinations for the spring semester. (April 2001)

Section 3. At the annual General Election for membership in the Faculty Senate each member of the Association of the Missouri Western State University Instructional Faculty shall be given a prepared ballot for representatives from

All colleges and schools as determined in the Primary Election. This election shall be completed and results announced at least six (6) weeks (excluding vacations) prior to the beginning of final examinations for the spring semester.

Section 4. Both the annual Primary and General Elections shall be under the direction of the incumbent Vice President of the Faculty Senate.

Section 5. The newly elected Faculty Senate shall elect its own officers as defined in Article V, Section 6, at least three (3) weeks (excluding vacations) prior to the beginning of final examinations for the spring semester.

#### **ARTICLE X: AMENDMENTS**

Section 1. Amendments to this Constitution may be proposed by the Faculty Senate or by petition to the Senate of twenty-five (25) percent of the members of the Association.

Section 2. Such proposed amendments shall be submitted in writing to the members of the Association at a meeting at least thirty (30) days prior to a vote on the amendment.

Section 3. Passage of amendments shall be by an affirmative vote of an absolute majority of the Association.

**Proposed Policy or Procedure:** MWSU Policy Guide, Appendices, Faculty Senate Constitution

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Section 3. Passage of amendments shall be by an affirmative vote of an absolute majority of the Association.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on October 24, 2011.

Respectfully submitted,

Jennie McDonald  
Secretary





## *Residence Classification Guidelines*

### *Procedures*

- *Petition For Residence Classification* forms may be secured in the Registrar's Office, Eder Hall Suite 102.
- Contact must be made with the Registrar's Office concerning a change in residence status by the end of the first week of classes in order to be considered for the current term. The *Petition* must be completed in full, notarized, and submitted to the Registrar's Office by the assigned deadline. Before consideration, all supporting documentation must be submitted with the *Petition*.
- *Petition* forms received after the deadline date will be acted upon, but the decision will not go into effect until the next semester.
- Students will be notified relative to the action on their *Petition*. The Business, Financial Aid and Admissions Offices will be notified regarding changes in residence for fee paying purposes.

### *Policies and Notes*

- Appropriate documentation to support residence status is the responsibility of the student.
- An unemancipated student is one that is claimed as a dependent on their parent's or guardian's federal tax returns. An emancipated student is not claimed as a dependent on their parent's or guardian's federal tax returns, is a minimum of 26 years of age or is married.
- Spouses of students classified as resident students for fee paying purposes are not automatically awarded the same status and must file a *Petition For Residence Classification*.
- Active military personnel or dependents of military personnel, wherever stationed, are considered residents for fee paying purposes. A letter from the Commanding Officer verifying full-time active duty status, date of initial enlistment, and anticipated discharge date must be submitted.
- Students classified as foreign students are considered non-resident students for fee paying purposes.
- A non-resident individual who is awarded in-state residency for fee paying purposes will retain this status as long as she/he maintains continuous student status.
- Once the petition and documents have been submitted to the Registrar's Office, persons not agreeing with the resulting residency decision may appeal to the Western Residency Committee.

## *Unemancipated Students*

### *(Students Dependent Upon Parents or Guardians)*

- When parents or legal guardians pay Missouri Real Estate and/or income taxes the student may be classified as a resident student for fee paying purposes. If taxes are not retained by the State of Missouri a minimum earning level must be met in order to qualify. In the case of divorced or separation of parents, the student shall qualify if either parent meets the requirements.
- Upon moving to this State, a person over the age of 21 years, employed full-time, or an emancipated minor so employed, may apply for in-state classification for his/her spouse and minor children; and, provided that said person is not himself in this State primarily as a full-time student, his/her spouse and minor children may at once be so classified and may continue to be so classified as long as said person continues his/her domicile in this State.
- Possible required documents
  - First two pages of student's parents or guardian's Federal Income Tax Returns (1040) for prior year
  - First two pages of student's parents or guardian's Missouri Income Tax Returns (1040) for prior year
  - Official proof of payment of Missouri real estate taxes
  - Parent or guardian's full-time employment verification letter, including official start date, student's name and social security number
  - Other \_\_\_\_\_

## *Emancipated Students*

### *(Students Who Are Not Dependent Upon Parents or Guardians)*

- Once emancipated, a student who pays Missouri real estate and/or income taxes may be classified as a resident student for fee paying purposes. If taxes are not retained by the State of Missouri, paperwork showing continuous residence in Missouri for one year may be submitted.
- An emancipated person who has moved to the State of Missouri for the purpose of permanent full-time employment may gain resident status.
- An Armed service veteran who, within thirty days following their discharge, establish a domicile in Missouri shall be considered a resident student for fee paying purposes.
- If a student has resident alien status she/he may be considered a resident if the conditions under "*Unemancipated*" student are met or U.S. Immigration has specified Missouri as State of Residence on his/her Resident Alien Card.
- Possible required documents
  - First two pages of student's Federal Income Tax Returns (1040) for prior year
  - First two pages of student's Missouri Income Tax Returns (1040) for prior year
  - Official proof of payment of Missouri real estate taxes
  - Full-time employment verification letter, including official start date, student's name and social security number
  - Official rent or lease agreement or other documentation showing one year of continuous Missouri residence.
  - DD214 ("Certificate of Release or Discharge from the Armed Forces")
  - Other \_\_\_\_\_

## Missouri Western State University Residence Rules

To establish Missouri residency and qualify for in-state tuition and fees at MWSU a student must meet official residency requirements, as established by the State of Missouri and the Coordinating Board for Higher Education (6 CSR 10-3.010). This ruling provides guidelines for determining eligibility for students to acquire in-state tuition at a Missouri public postsecondary institution.

It is the duty and responsibility of the student to apply and register under the proper residence status and pay the appropriate tuition and fees. It is the further duty of the student, if there is any possibility that the nonresident fee credit is applicable or residency status changes while a student at MWSU, to file the appropriate paperwork for consideration.

Initial residency status is determined at the time of admission and based on the primary residence at that time. Students who wish to appeal this decision or appeal later in their academic career at MWSU and have established Missouri residency, may complete a Petition for Residency as distributed and processed by the Registrar's Office.

Residency appeals must be received by the Registrar's Office before the end of the first week of the current term for which the student is registered. **Appeals will not be accepted after this date. If a student is granted residency status, tuition will be adjusted to reflect the in-state rate. The decision is not retroactive to previous terms. A student awarded residency status will continue to receive an in-state tuition rate as long as continuous enrollment is maintained at MWSU (Fall-Spring). If a student skips a regular semester (Fall-Spring) after being awarded residency status which then requires reapplying for admission, the student may also need to appeal residency again. Nonresident fee credits must be received by the Business Office before the end of the first week of the current term for which the student is registered.**

### Definitions

(CBHE Rule) "Residency" or "Resident Status" shall mean that status which is achieved when sufficient proof of a domicile within a state is presented.

(CBHE Rule) "Unemancipated Minor Student" shall mean any student not having attained the age of twenty-one (21) years, and under the care, custody or support of the individual or individuals having legal custody of said students.

(CBHE Rule) "Emancipated Minor Student" shall mean any student not having attained the age of twenty-one (21) years and who is not under the care, custody and support of an individual or individuals having legal custody.

(CBHE Rule) "Domicile" shall mean presence within a state with an intent of making the state a permanent home for an indefinite period.

(CBHE Rule) "Adult Student" shall mean any student having attained the age of 21 years.

**Student Classification Categories**

(CBHE Rule) *Adult Students*. If an adult student, not a resident, shall present sufficient proof of the establishment of a domicile within the State of Missouri, said student shall be granted resident status at the first enrollment following the establishment of said domicile.

(CBHE Rule) *Unemancipated Minor Students*. The domicile of an unemancipated minor is presumed to be that of the individual or individuals having legal custody of the student. If those having legal custody of the student establish a Missouri domicile, that student shall be granted resident status at the first enrollment following the establishment of the Missouri domicile. Once unemancipated minor students have established resident status under this rule, they may continue to qualify for resident status so long as they remain continuously enrolled, excluding summer terms, in a Missouri institution of higher education, even if the individual or individuals having legal custody of the unemancipated minor students cease to hold Missouri resident status.

(CBHE Rule) *Emancipated Minor Students*. The domicile of emancipated minor students shall be determined as if they were adults. A minor may become emancipated through marriage, formal court action, abandonment or positive action of alienation on the part of the minor. In all instances, alienation from care, custody and support shall be complete and the burden of satisfactory proof of emancipation shall be that of the minor student.

Mere absence of the student from the domicile of the individual or individuals having legal custody of that minor student shall not constitute proof of emancipation. In no instance shall a minor student be eligible for emancipation when that student is taken as an income tax deduction by a second party other than a spouse.

(CBHE Rule) *Members of the Military Forces*. Students shall neither gain nor lose resident status solely as a consequence of military service. For the purposes of student resident status, military personnel, when stationed within the state of Missouri pursuant to military orders, their spouses and unemancipated minor children shall be regarded as holding Missouri resident status. However, a member of the military forces who is specifically assigned, under orders, to attend a Missouri institution of higher education as a full-time student, shall be classified, along with their spouses and unemancipated minor children, as if they had no connection with the military forces.

(CBHE Rule) *Noncitizens of the United States*. Students who are not citizens of the United States must possess resident alien status, as determined by federal authority, prior to consideration for resident status. Aliens present within Missouri as representatives of a foreign government or at the convenience of the United States or Missouri governments and holding G visas shall be entitled to resident status, except for those who are government-funded students. Aliens and their dependents holding A or L visas may be granted resident status if determined to be individually designated as representatives of their governments and whose education is not government-funded.

**Exceptions to the above rule may apply to international students who attend MWSU through an officially approved exchange agreement, thereby granting temporary in-state resident status for fee paying purposes.**

*Refugees and Persons Granted Asylum.* A student who is classified as a refugee or as one who has been granted asylum by the United States Immigration and Naturalization Service and who has been granted permission to remain in the United States shall be granted resident status, if there is proof of the establishment of a domicile in Missouri. Presence in the State of Missouri for such a person shall begin with the date indicated on the alien registration card.

*University Staff or Children or Spouses of University Staff.* Any full-time benefit eligible employee of this University, or the unemancipated minor child, adult dependent (as defined by IRS guidelines), or spouse of such employee shall qualify for resident status when enrolling as a student at Missouri Western State University. Students receiving resident status based on this guideline may lose this eligibility if employment of said MWSU employee ends.

*Graduates of Missouri High Schools.* A graduate of a high school located in Missouri, whose parents (or legally appointed guardian or custodian) are residents of Missouri at the time of the student's graduation from high school and whose initial registration at the University occurs at the beginning of the next academic term, excluding summer terms, following graduation from high school, is presumed to be a Missouri resident so long as he or she remains continuously enrolled at Missouri Western State University.

### **Determination of Resident Status**

(CBHE Rule) Attendance at an institution of higher education shall be regarded as a temporary presence within the state of Missouri; therefore, a student neither gains nor loses resident status solely by such attendance.

(CBHE Rule) The burden of proof of establishing eligibility for Missouri resident status shall rest with the student.

(CBHE Rule) In determining resident status for the state of Missouri, either of the following shall be sufficient proof of domicile of a person and their dependents within the state of Missouri:

1. Presence within the state of Missouri for a minimum of twelve (12) immediate past, consecutive months coupled with proof of an intent to make the state of Missouri a permanent home for an indefinite period; or
2. Presence within the state of Missouri for the purposes of retirement, full-time employment, professional practice or to conduct a business full-time.

(CBHE Rule) In determining whether a student holds an intent to make the state of Missouri a permanent home for an indefinite period, the following factors, although not conclusive, shall be given heavy weight: continuous presence in the state of Missouri during those periods not enrolled as a student; presence within the state of Missouri upon marriage to a Missouri resident and the maintenance of a common domicile with the resident spouse; substantial reliance on sources within the state of Missouri for financial support; former domicile within the state and maintenance of significant connections while absent; and ownership of a home within the state of Missouri. The twelve month period of presence within the state does not, in and of itself, establish resident status in the absence of the required proof of intent.

(CBHE Rule) The following factors indicating an intent to make the state of Missouri a permanent home for an indefinite period shall be given less weight than those in subsection above and include: voting or registration for voting; part-time employment; lease of living quarters; a statement of intention to establish a domicile in Missouri; automobile registration or operator's license obtained in Missouri; and payment of income, personal and property taxes in Missouri. The factors listed in this subsection have applicability only as they support the intent to make the state of Missouri a permanent home for an indefinite period.

### **Dispute of Decision**

Any student unwilling to accept a residency ruling as determined by the Registrar's Office may appeal to the Residency Committee, as appointed by the Provost. The Committee shall hear the appeal and, if requested by the student, shall allow the student to present the appeal in person to the Committee. ~~A further appeal beyond the Residency Committee should be directed to the University Provost.~~ **The decision of the Residency Committee is final.**

### **Nonresident Credit**

For those nonresidents who pay Missouri income tax, the nonresident student shall receive a credit against the nonresident student fee in an amount equal to the actual Missouri income tax paid for the previous calendar year except that the remaining fee obligation shall not be less than the amount of the resident student fee. Unemancipated minor students are eligible by reason of payment of Missouri income tax by the nonresident individual or individuals having legal custody of said student. A student entering in January shall be regarded as entering in the immediately preceding fall for purposes of determining previous calendar year. For a student entering after January, previous year means immediate past calendar year.

To receive a nonresident credit the student must furnish to the Business Office with satisfactory evidence that the tax was paid, the date of payment and that the student is entitled to a credit. Evidence may include a copy of the State Income Tax return, together with canceled checks (or photo copies) or if all taxes were withheld the Mo-WH-2 form (or a photo copy) showing the amount of tax withheld. After reviewing the evidence submitted the Business Office may request other evidence of payment of tax.

A tax credit may be used only once as a nonresident credit during a calendar year. But, any tax credit not used in a given term may be carried forward to be used in a subsequent term, subject to the time limitation stated above. If several students from the same family claim allowable tax credit, the tax credit shall be applied as the taxpayer directs, if the taxpayer does not direct application, the Business Office shall make such application. Tax credit may be offset against the nonresident tuition only, and may not be offset against any fees or obligations.