



**Office of the Senior Vice Chancellor for
Operations & Chief Operating Officer**

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February 21, 2025

Ms. Nadine Morell
Audit Director
New York State Office of the State Comptroller
110 State St.
Albany, NY 12236

Dear Ms. Morell:

Below are our comments to the Office of the State Comptroller's follow-up report **2023-F-45** State University of New York - *Determination of Residency for Tuition Purposes*.

The State University of New York System Administration and campuses (collectively referred to as "SUNY") are strongly committed to providing "educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs." As such, our policy on the establishment of residency for tuition purposes is specifically written to both meet our fiduciary responsibility and to avoid insurmountable barriers for the students and families we serve.

SUNY's policy clearly states that in those instances where residency must be verified, "the campus should examine the totality of the circumstances in each individual case and should have at least three forms of the above-referenced documentation." During the initial audit, SUNY explained that over decades the policy has been interpreted and consistently applied based on each individual circumstance and as such three forms of documentation may not always be necessary nor is it required. As an example, given the proof required to obtain a New York State Drivers License, relying on that one source of documentation may be enough of a proof of residency for tuition purposes. As such, we take issue with OSC taking a different interpretation of our policy, which was explained to the auditors. Furthermore, requiring each student to provide three forms of documentation would create significant challenges to SUNY's most vulnerable populations and likely result in keeping many from pursuing higher education.

State Comptroller's Comment – SUNY's residency policy states “An applicant need not submit all of the above documentation in order to demonstrate a New York State domicile; however, the campus should examine the totality of the circumstances in each individual case and should have at least three forms of the above-referenced documentation.” The use of the word “should” in policy-related documents indicates responsibilities that are presumptively mandatory. Further, SUNY could not demonstrate it followed its own Residency Policy, neither providing evidence that it examined the totality of the circumstances nor that it collected at least three forms of documentation.

SUNY's policy states “the initial determination of residency status should be based on the information provided by the student during the admissions process.” Applicants sign the application attesting to the truthfulness of the information provided. SUNY applications for admission are government documents. If any situations were discovered where there was intentional falsification of a government document, SUNY would appropriately investigate such allegations. However, there are no such findings or allegations as part of this audit.

State Comptroller's Comment – SUNY's policy does not discuss self-attestation and states that the applicant should have at least three forms of documentation.

In addition, there is a clear misunderstanding by OSC of the process for rebutting the presumption that a student is flagged as a non-resident for the purpose of determining eligibility for in-state tuition. If it is determined upon initial review that a student or applicant is not a resident, they have the ability to submit an application and documentation to prove that they are in fact, a resident of New York for the purposes of receiving in-state tuition. All determinations are made based on the totality of the circumstances and are appropriately reviewed by campus personnel. Students or applicants also are entitled to appeal that determination. There are multiple layers of consideration under this policy in relation to any discrepancies on the initial determination. Further, there are situations where students stay at the same SUNY institution for both undergraduate and graduate studies. It would be inefficient to require that a student provide redundant information about their residency when it is clear that the student has not left the state, nor changed their residency, if their student is continuously enrolled.

Furthermore, requiring that every campus collect documentation to verify all students' residency status would not only be a significant cost to each campus, but would also burden the campuses with further having to maintain custody of and protect personal information contained within the documentation. Given the administrative burden and cost of collecting, reviewing, and storing voluminous amounts of sensitive documentation, it seems clear that in their 2004 audit, the OSC auditors recommended the following: “Modify SUNY policy to require campuses to review all applications that have been identified as having residence inconsistencies by the APC and set minimum levels of documentation that campuses must obtain to support residency determinations for such applications.”

State Comptroller's Comment – In 2006, we conducted a follow-up of OSC's 2004 audit, where SUNY responded that it had implemented the above recommendation, changing its policy and requiring campus officials to consider at least three types of documentation or circumstances related to a student's residency status.

We are pleased that the auditors did not find any instances in which a non-resident was charged the in-state tuition rate. As such, we take issue with the conclusion that SUNY potentially undercharged tuition. The conclusion is strictly based on the fact that the campuses did not provide documentation to satisfy the auditor's opinion of what was sufficient.

State Comptroller's Comment – This response is misleading. Based on our review of documentation provided, we could not determine whether the student was in-state or out-of-state because of the lack of required documentation, hence the use of the word "potentially."

Although SUNY stands by its longstanding interpretation of the existing policy, as described above, it reserves the right to update the policy as may be necessary.

Sincerely,

Beth Berlin

Senior Vice Chancellor for Operations and Management and Chief Operating Officer