

## **VCU Procedures for Degree Revocation**

### **I.**

#### **A. Preamble**

Virginia Commonwealth University is a public institution of higher education empowered by Virginia law to confer academic degrees upon students who have earned their credentials honestly and have met all graduation requirements. The University's award of academic credit and degrees constitutes its certification of student achievement. The Board of Visitors recognizes that in rare instances a degree, including an honorary degree, may be awarded to an individual in error or as a result of fraud, misrepresentation, or other intentional or unintentional wrongdoing that would not constitute an offense under the VCU Honor System. In such instances, and upon a showing of cause, Virginia Commonwealth University may choose to revoke the degree or other academic credential conferred. This Policy and Procedures document (hereinafter referred to as this "Policy" or these "Procedures") establishes the internal processes that must be followed before a recommendation to revoke a non-honorary degree is made to the President of the University and the University's Board of Visitors. Consideration of the possible revocation of an honorary degree lies within the exclusive domain of the Board of Visitors and will be subject to such policies and procedures as the Board may choose to apply.

## B. Definitions and Concepts

1. Quorum: A quorum of any panel or body convened under these Procedures will be deemed to constitute a ‘supermajority,’ or two-thirds, of the voting membership of that panel or body.

2. Conflict of Interest: A conflict of interest under these Procedures will be deemed to exist if a decision-maker, anyone charged with responsibility for making recommendations, or any member of any panel or body convened under these Procedures has a personal, financial or other interest in the outcome of any decision or proceeding under these Procedures. Under such circumstances, it is expected that the individual with such a conflict of interest will decline to participate in or will withdraw from participation in any such decision or proceeding so as to avoid even an appearance of impropriety. In the event a person with an identified conflict of interest chooses not to withdraw voluntarily, the President of the University or the Rector of the Board of Visitors will be consulted and will decide whether to involuntarily remove such person. Questions about the potential existence of a conflict of interest, as used in these Procedures, will be directed to the Rector of the Board of Visitors.

3. Confidentiality: All persons who are or may be involved in any proceeding, action or decision under these Procedures will be expected to maintain strict confidentiality of all personal information that may come to his or her attention, consistent with the provisions of applicable federal and state law pertaining to privacy and confidentiality.

4. Student: As used in these Procedures, the term “student,” whether in the singular or the plural, shall be deemed to include all current and former VCU students, recipients of degrees or other academic credentials awarded by VCU.

5. Time is of the essence: It is recognized that recommendations and decisions under these Procedures warrant serious consideration and expeditious processing in a timely manner. Accordingly, all persons with responsibilities under these Procedures will be expected to fulfill their respective responsibilities in as timely a manner as is reasonably possible under the circumstances of each matter or incident.

6. “Cause” or “for cause” as used in these Procedures shall be deemed to include, but will not necessarily be limited to, the following circumstances that may serve to invalidate or lead to the revocation of a VCU degree or other VCU academic credential:

- Inadvertent administrative, faculty or student error;
- Negligent acts or omissions by administrators, faculty or students; and
- Intentional misconduct by administrators, faculty or students not otherwise covered by the Honor System.

7. “Revocation,” as used in these Procedures, is deemed to include both revocation of a previously awarded degree or other academic credential as well as action to stop or prevent the award of a degree or other academic credential that is determined not to have been earned.

## II. Intake of Complaints

A. Intake Procedures. Information received by any member of the University community suggesting that possible revocation of a degree, including previously awarded degrees or credentials and degrees or credentials in process, warrants consideration shall be referred to the Provost and Vice President for Academic Affairs. The Board of Visitors shall be notified by the President, Provost or designee as soon as practicable following receipt of such information.

B. Provost Initiates Process. Upon discovery or receipt of information that a student may have obtained or have been awarded a VCU degree, diploma or other academic credential and/or has been approved for graduation based on insufficient academic credit, failure to meet residency requirements or other circumstances suggesting that it may be appropriate to consider the possible revocation of that student's degree or other academic credential, the University, through the Provost and Vice President for Academic Affairs, shall initiate this process to determine whether a recommendation should be made to the University's Board of Visitors that the student's degree or other academic credential should be revoked. Circumstances involving academic misconduct by or on the part of the student that could be considered to constitute a violation of the VCU Honor System will be referred to the VCU Honor System for investigation and adjudication. The Provost or designee in receipt of non-Honor System cases will conduct an initial review of the relevant written or other relevant documentation to determine whether the charges raise a potential issue regarding the degree holder's credential(s) or the validity of the degree.

Complaints deemed frivolous or unsupported by adequate documentation may be dismissed by the Provost, following notification of and review by the University President and the Board of Visitors. In the event the Provost determines by this initial review process that further investigation is warranted, the Provost shall report his/her decision to the President and Board of Visitors and will initiate a formal investigation.<sup>1</sup>

C. Records Maintained By Provost. The Office of the Provost will maintain a permanent record of all inquiries, complaints and proceedings made under this policy and their resolution.

### III. Formal Investigation

A. Notice. In those instances in which the President and the Board of Visitors have been notified that the charges are of such a nature that revocation of a degree (including degrees that are in process, or not yet conferred) or other academic credential should be further considered, the Provost shall notify the degree or other academic credential holder in writing that a formal investigation has been initiated. This notice, and all notices to the degree or other academic credential holder under this policy, shall be in the form of a letter, sent by registered mail, certified mail, electronic mail or other means, to the degree or other academic credential holder's last known mailing or contact address. Such notification shall include a copy of these Procedures, the nature of the allegations pertaining to the degree or other academic credential, the intake procedure utilized and the existing documentation or other evidence suggesting that the degree or

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<sup>1</sup>Reference to BOV approval of decision to investigate removed to avoid possible challenge to BOV objectivity at later stages.

other academic credential is or may be invalid. The notice also shall state specifically that an investigation has been undertaken pursuant to these Procedures and that if the degree is deemed invalid, a possible outcome is revocation of the degree or other academic credential. A copy of the notice also shall be sent to the Dean of the School/College/University unit (“School”) that recommended or would have recommended the conferral of the degree or other academic credential that is in question. The Dean, or designee, shall respond on behalf of the School. In addition, if the information leading to the decision to undertake an investigation can be attributed to an identified individual, that individual also shall be notified that a formal investigation is underway and that his/her cooperation is expected and likely will be needed.

B. Right to Assistance and Counsel. The Provost, or designee, normally shall serve as investigator and is responsible for informing the degree holder and other parties to the investigation of all rights and responsibilities under these Procedures. Among these is the right of all parties to have an advisor appointed by the Provost to assist them. While all individuals are free to consult with privately retained legal counsel, legal counsel may not represent any party at any meetings or hearings convened pursuant to these Procedures, excepting only proceedings before the University Appeal Board, in which case parties may be accompanied by attorneys who may provide advice to their respective clients but who may not actively participate in the proceeding. All inquiries by attorneys on behalf of the degree or other academic credential holder must be referred to the Office of the General Counsel for Virginia Commonwealth University.

C. Investigative Process. Following notice to the parties, the Provost or designee will promptly undertake a formal investigation of the allegations. The investigation may include, but is not necessarily limited to: meeting with and taking statements and/or written reports from persons having relevant knowledge and information; reviewing the degree holder's transcript, exams, papers and other relevant material; and conducting other actions as appropriate. All parties involved in the investigation shall maintain strict confidentiality regarding the investigation. All documents shall be maintained in a secure file.

Within 30 working days of initiating a formal investigation, the Provost or designee shall complete the investigation and, following consultation with the President shall issue a written determination and recommendations for resolution. The 30-day deadline may be extended by the Provost in special circumstances (e.g., when the parties required for completion of the investigation are unavailable during that time period). First, the determination shall include a finding as to whether the student's degree or other academic credential is invalid and, if so, whether it was conferred inadvertently, through negligence or intentional misconduct. The Provost shall identify any academic policies that were not followed in the conferring of the degree or credential. Second, the determination will include a statement on the suggested resolution, and, specifically, whether the allegations of invalidity should be either:

- dismissed for lack of merit where the determination is that the degree/academic credential is valid;

- resolved administratively or by other means of resolution that would cure the policy violation and defective degree or credential; or
- referred to the President and the Board of Visitors with a recommendation for revocation. In these cases, there should be an explanation as to why the defect and policy violation invalidating the degree are not subject to cure.

D. Notice. All parties, including the President and the Board of Visitors, shall be notified of the Provost's or designee's written determination and recommendations within five working days of the conclusion of the investigation.

E. Appeal of the Provost's Recommendation for Revocation. The degree or credential holder has the right to appeal the written determination to a Degree Revocation Panel. A notice of appeal must be filed with the Provost within ten working days of the date of the determination notice. The time may be extended upon demonstration of good cause. Upon receipt of a notice of appeal, the Provost shall promptly notify the President and the Board of Visitors that a Degree Revocation Panel must be convened.

F. Recommendation for Revocation with No Appeal Taken. If it is determined after investigation that the degree is invalid and there is no appeal, the case shall be referred to the President and the Board of Visitors for action on the Provost's recommendation.

#### IV. Degree Revocation Panel and Hearing

A. Appointment of Panel. The President, or in the event of a conflict of interest on the part of the President, the Rector, shall appoint a non-voting Chair

(a member of the full-time Teaching and Research Faculty) and members of the Degree Revocation Panel (hereinafter, the “Panel”). Panel members shall include current VCU students, faculty and staff. Faculty appointments will take into account the diversity of the VCU faculty and advice of the Faculty Senate. Student appointments will take into account the diversity of the student body and advice from the Student Government Associations. In order to serve, students must be in good academic and disciplinary standing. Staff appointments will take into account the diversity of the staff and advice from the Staff Senate. In order to serve, staff must be in good disciplinary standing. All Panel members shall receive appropriate training, coordinated through the Office of the Provost, prior to acting officially in any revocation hearing or proceeding.

B. Composition of Panel. The Panel shall consist of the non-voting Chair and eight (8) voting members: four faculty members, two staff members and two student members. The Chair shall preside over the Degree Revocation Hearing. An administrator designated by the President shall attend the hearing to assist the Chair. A quorum of the voting members must be present in order to hold the hearing. Panel members who have a conflict of interest, as defined herein, involving either the degree holder or any other person connected with the case, will be disqualified from participation and will be replaced by the President with a member of the same standing (i.e., faculty, staff or student) as the disqualified member.

### C. Hearing Process.

1. All parties shall be given reasonable notice of the time, date and place of the hearing. The notice to the degree or other academic credential holder shall explain that the purpose of the hearing is to determine whether his/her degree is valid and/or whether it should be recommended for revocation by the Board of Visitors.

2. If the degree or other academic credential holder does not appear for a hearing either by refusal to attend, an inability on the part of the University to locate the degree holder following a good-faith attempt to do so, or other appropriate reason, following consultation with University General Counsel's office, the hearing, nevertheless, may proceed without the presence of the degree holder. If the degree or other academic credential holder is deceased, revocation proceedings normally will not be pursued.

3. Panel hearings shall be sufficiently flexible to provide for the consideration of all relevant information. The following general format shall be followed and shall include, but shall not necessarily be limited to:

- Introduction of Panel members and participants in the case;
- Statement of the date, time, and location of the hearing;
- Brief summary of the circumstances or possible violation(s) of University policy that may be deemed to invalidate the degree or credential;
- Reminder to the degree holder and the Provost or his/her designee of all afforded rights and responsibilities;

- Reminder that the degree or other academic degree holder's degree should not be deemed invalid and/or recommended for revocation unless there exists clear and convincing evidence of a circumstance that warrants such action. 'Clear and convincing' evidence requires that the evidence presented by the Provost or his/her designee must convince the Panel that it is substantially more likely than not that the degree or other academic credential has not been properly conferred and/or resulted from error, mistake, fraud, negligence or intentional or unintentional wrongdoing;
- Reminder that the hearing, but not the deliberation, will be recorded;
- Notice that the Panel members may ask questions of the degree holder or Provost's designee at any time;
- Presentation of the results of the intake process and investigation and the witnesses and other evidence by the Provost or his/her designee;
- Presentation of evidence or witnesses by the degree holder;
- Closing statement by the Provost's designee; and
- Closing statement by the degree or credential holder.

D. Panel Deliberations. Following the hearing, the Panel will convene in closed-session for deliberations. Neither the Provost nor designee, the degree or

other academic degree holder nor the administrator shall be present for the deliberations. The purposes of the deliberation are to apply the standard of clear and convincing evidence to determine if the degree or credential holder's degree is invalid and granted improperly in violation of University policy and, if so, whether the deficiency may be cured or, alternatively, whether a recommendation to the President and the Board of Visitors for revocation is deemed appropriate. If there exist multiple issues related to the validity of the degree or other academic credential, the members shall address each potential issue in reaching their determination. At least two-thirds of the voting members present and voting must concur in a determination that the degree is invalid. In the event of a determination that a degree or other academic credential is invalid, there also shall be further discussion and recommendation of possible cures or whether the degree or credential should be recommended for revocation.

E. Notification of the Degree Revocation Panel's Decision. Within five working days of the final deliberation, the Chair also shall send a copy of the Panel's determination and recommendation to all parties to the proceeding as well as to the President and the Board of Visitors.

V. Appeal of Panel Finding

A. Filing of Appeal. If the Panel determines that a degree holder's degree or academic credential has been conferred improperly and recommends either an administrative cure revocation, the degree or other academic credential holder may request that the case be reviewed by the University Appeal Board. Notice of appeal to the University Appeal Board must be sent to the Office of the Provost

and received within ten working days of the date of the notification of the Panel's decision.

B. University Appeal Board Procedures. Upon receipt of an appeal from a Panel's decision, a University Appeal Board hearing shall be convened. All parties shall be provided reasonable notice of the date, time and place for the hearing. The Chair of the Degree Revocation Panel shall represent the Panel before the Appeal Board and the Chair of the Panel and the degree holder each may be accompanied by an advisor. Should the degree or other academic credential holder choose to be accompanied by a non-participating attorney at the appeal hearing, the VCU Office of General Counsel will arrange for an attorney to accompany the Chair of the Degree Revocation Panel. The VCU Office of General Counsel will be available to advise the Appeal Panel at all times and regardless of whether the parties to the proceeding choose to be accompanied by legal counsel.

In considering an appeal, the University Appeal Board shall consider the following issues:

- Whether the Revocation Panel hearing was conducted fairly and in accordance with prescribed procedures;
- Whether there is new evidence or relevant information not available at the time of the Revocation Panel hearing that, if consequential, may result in a remanding of the case to the Panel;
- Whether the original decision was supported by clear and convincing evidence;

- Whether the University's policies were improperly interpreted or misapplied by the Revocation Panel; or
- Whether the recommended cure of the defect or the sanction of revocation was proportionate to the gravity of the violation.

At the conclusion of the hearing, the University Appeal Board will convene in closed session to consider the case and to vote to recommend one of the following actions: (1) affirm the Panel's decision and recommended sanction; (2) affirm the Panel's findings but recommend a lesser sanction; (3) recommend dismissal of some or all of the possible issues giving rise to the determination that the degree is invalid and must be cured or revoked; or (4) remand the case to the Revocation Panel. The decisions of the Appeal Board will be by a simple majority vote.

C. Action by the President and Board of Visitors. The University Appeal Board's recommendation and the case material shall be submitted to the President and the Board of Visitors within five working days following the conclusion of the hearing for review and action. The decision of the Board of Visitors is final. If the Board of Visitors upholds an Appeal Board's finding that the degree or other academic credential is defective and not subject to administrative cure, the sanction of revocation shall be effective retroactively to the date the improper degree or other academic credential was conferred.

## VI. Notice to Degree Holder and Registrar

A. Duties of Registrar Upon Receiving Board of Visitors' Decision. The Rector or President shall notify all parties to the proceeding, the Provost and Dean of the affected School and the University Registrar of a decision by the Board of

Visitors to revoke a previously awarded degree or other academic credential. The Registrar shall take immediate steps to note the effective date of revocation on the student's transcript and shall transmit the official transcript to the former degree or other academic credential holder. Alternatively, and in the event the Board of Visitors determines that the degree or other academic credential is valid, the Rector or President shall notify all parties accordingly.

VII. Reports to the Board of Visitors

A. Notice to the Board of Visitors. As provided herein, the Board of Visitors shall be notified of all complaints at the intake, investigation, hearing and appeal stages of this process. Such status reports of pending actions or decisions pertaining to revocation of degrees shall be made to the Board of Visitors at each regular meeting of the Board or otherwise as appropriate.

B. Recordation of Revocation of Degrees. Actions by the Board of Visitors to revoke previously conferred degrees shall be recorded in the minutes of the Board of Visitors' meetings.

Approved by the Board of Visitors: November 12, 2009

Effective Date: November 12, 2009