

# **DRAKE UNIVERSITY PROCEDURE FOR DEGREE AND CREDIT REVOCATION**

## **A. Policy**

Drake University's award of degrees and academic credit is its certification of student achievement. If students obtain entry to the University through misrepresentation, if they are awarded academic credentials even though they failed to complete the requirements for those credentials, or if they obtain their academic credentials by deceit, fraud or other academic misconduct, they deceive not only the University but also those who may eventually rely upon the knowledge and integrity of the University's graduates.

Such situations may not be discovered until the student has left the University or received a degree or credit. Whether or not the student remains enrolled, the University reserves the right to revoke degrees, decertify credit and seek return of any Drake University diploma or certification that represents that the student successfully completed course work or requirements for a degree. Without the ability to take such action, the University would, in effect, be forced to falsely certify to the world that a person has earned a degree and/or credit when this is in fact not true.

## **B. Charges and Investigation**

1. Upon receipt of information indicating that a current or former student ("student") (1) obtained entry to the University or any of its Schools, Colleges or any other University educational program, through material misrepresentation or material omission; (2) failed to complete a material portion of the course work or other requirements for a degree or credit; or (3) obtained a degree or credit through material misrepresentation, material omission or other academic misconduct (including academic misconduct as defined in any academic honesty code that may have governed the student while in attendance at the University), the Dean of the College or School in which the student obtained entry, or in which the degree or credit was awarded, shall initiate an investigation.

2. The student and the Provost shall promptly be notified in writing of the investigation and the information that gave rise to the investigation.

3. The student shall be afforded a reasonable amount of time, which shall not be fewer than 30 days, after the date of notification of the investigation, to provide the Dean with a written response and/or copies of any relevant written materials. The student's failure or refusal to respond shall not be considered an indication of guilt.

4. To the extent reasonably possible, the investigation shall be conducted in a confidential manner.

## **C. Hearing**

1. If the Dean, after reviewing the results of the investigation, finds that there is reasonable cause to believe that any of the potential charges set forth in paragraph B.1 above are true, the Dean shall notify the University President and the Provost and request that a hearing be scheduled.
2. Upon receipt of such notification from the Dean, the President shall select a Hearing Panel to consider the case. The Hearing Panel shall be composed of three current or emeriti faculty members, none of whom had a close relationship or substantial previous contact with the student. Using the same criteria, the President shall select two Hearing Panel alternates who shall serve if one or more of the three named Hearing Panel members cannot serve at the hearing or is disqualified prior to the hearing. Additional alternate panel members may be appointed by the President, if needed, using this same criteria. Alternate panel members shall attend any hearings and deliberations of the panel. However, no alternate panel member shall actively participate in any hearing or deliberation of the Hearing Panel unless a panel member is disqualified and the alternate member is designated by the President as the replacement for that disqualified Hearing Panel member.
3. The Hearing Panel members will select a Hearing Panel Chair who shall correspond with the student and direct the hearing proceedings.
4. The Chair will set a hearing date, providing at least 30 days notice of the hearing, and a written explanation of the charges, to the student. At this time the Chair will also provide the student with the names of the panel members and alternates. The student has 15 days thereafter within which to challenge one or more of the panel members or alternates. The challenge must be written and set forth the grounds supporting the challenge. Challenges shall be ruled upon by majority vote of the combined non-challenged members and alternates, and, if necessary, the President. The President shall vote on any challenge to break a deadlock vote of the non-challenged Hearing Panel members. Should all panel members be challenged, the President shall rule on any challenges.
5. The student and the University shall deliver to each other witness lists and copies of all documents to be introduced at the hearing at least 5 days prior to the hearing.
6. A continuance of the hearing date may be granted, in the reasonable discretion of the Hearing Panel Chair, upon written request to the Chair, received no fewer than three days prior to the hearing date. If the student does not timely request and obtain a continuance, and fails to attend the hearing, then, at the reasonable discretion of the Chair, the hearing may go forward without the student, with the Panel listening to the witnesses, reviewing the relevant documents and deciding the issues of violation of charges and the sanction(s), if any, to be recommended, the same as if the student had been in attendance.
7. The student may have an advisor present, who may be an attorney. The student's advisor/attorney may provide counsel to the student during the hearing, but shall not

otherwise participate in the hearing. Likewise, the University may receive counsel from its attorney at the hearing but University counsel may not otherwise participate in the hearing.

8. The formal rules of evidence shall not apply to the proceedings. Any participant who becomes disruptive or engages in harassment or intimidation may be asked to leave the hearing, at the reasonable discretion of the Chair.

9. Either the Dean or the Provost shall present the University's evidence in support of the charges.

10. The student and the University shall be afforded an opportunity to present any and all relevant evidence, including documents, witnesses and the cross-examination of any witnesses presented at the hearing by the other party. The Hearing Panel members may question the witnesses. Where witnesses cannot be present or refuse to be present, their testimony may be received via speakerphone or signed statement. Opening and closing statements by the Dean/Provost and the student will be allowed.

11. The hearing may be attended only by the Hearing Panel, the student, the witnesses, the student's advisor/attorney, the University attorney and the Dean/Provost. Exceptions to this rule may be made in the discretion of the Panel Chair.

12. The Panel will provide for the hearing to be recorded by tape recorder or stenographer. A copy of the recording shall be provided to the student at his/her own cost upon request.

#### **D. Hearing Panel Deliberation and Decision**

1. After hearing the case, the Hearing Panel shall deliberate in private and render a decision regarding each of the charges. In order to meet its burden of proof on any charge, the University must prove the charges, by preponderance of the evidence. If at least a majority of the Hearing Panel members find that the University met its burden of proof with regard to any charge, then the student shall be found in violation of policy. If the student is found in violation of policy, the Hearing Panel shall decide by majority vote the sanctions, if any, that it will recommend.

2. Recommended sanctions may include removal from a College, School or other educational program of the University, revocation of a degree, revocation of credits previously awarded and/or rescission of a certification.

3. Within 14 days after the conclusion of the hearing, the Hearing Panel Chair will draft a written decision setting forth the Hearing Panel's findings on the charges and the reasons for the findings, including a summary of the witness testimony, documents and/or authorities supporting the findings. The written decision will additionally set forth a recommendation for the appropriate sanction(s), if any, to be imposed upon the student

and a summary of the testimony, documents and/or authorities supporting that recommendation.

**E. Panel's Recommended Sanctions Include Degree Revocation**

1. If the Hearing Panel's recommended sanction(s) include degree revocation, then the Drake University Board of Trustees will take up the matter at one of its upcoming scheduled meetings, with at least 20 days' prior written notice to the student.

2. The Chair of the Board shall preside at the Board of Trustees' meeting. No witnesses shall be called to testify and no transcripts or summaries of witness testimony shall be presented to the Board. However, both the student and the Dean/Provost may present to the Board copies of all documents previously presented to the Hearing Panel, the written Hearing Panel decision, plus any relevant documents that, through reasonable diligence, as determined by the Board Chair, could not be presented to the Hearing Panel.

3. At the Board of Trustees meeting, the student and the Dean/Provost or their advisor/attorney will also be allowed to address the Board, both in writing and orally. Time allotted to each side will be determined in the reasonable discretion of the Board Chair. The President of the University may make known to the Board his/her recommendations regarding the Hearing Panel's decision and the appropriateness, or lack thereof, of the Hearing Panel's recommended sanction(s). The Board will deliberate in executive session. The Board's decision shall be final.

4. A continuance of the meeting with the Board may be granted, in the reasonable discretion of the Board Chair, upon written request to the Board Chair. If the student does not timely request and obtain a continuance, and fails to attend the Board meeting, then, at the reasonable discretion of the Board Chair, the Board may proceed, in the absence of the student, to review the information presented by the Dean/Provost and take final action on the Hearing Panel recommendation, the same as if the student had been in attendance.

**F. Panel's Recommended Sanctions Do Not Include Degree Revocation**

1. If, on the other hand, the Hearing Panel's recommended sanctions do not include degree revocation, then, if so requested by the student in writing within 30 days after the date of the Hearing Panel's written decision, the student may have the matter reviewed by the President. The student will be advised at least 20 days prior to the time when the President will commence review of the matter. Any such review by the President and his or her decision shall be final. If the Hearing Panel Chair does not receive a timely written request for review by the President, then the sanction(s) recommended by the Hearing Panel will become effective and final.

**G. Authority of Board and President Upon Review**

1. The Board of Trustees or the President, whichever applies, may confirm or reverse the Hearing Panel's finding that the University met its burden of proof on any and all charges and may accept, reject or modify the sanction(s) recommended by the Hearing Panel. However, neither the Board nor the President may impose more burdensome sanctions than those recommended by the Hearing Panel.

#### **H. Official Transcript and Diploma**

1. As necessary, the student's official transcript and any other relevant University documents will be corrected to reflect any sanction(s) imposed. The President will request that the student return any University documents that have been rendered inaccurate as a result of this process, including the student's diploma and/or certification.

#### **I. Exoneration**

1. If at any time during the proceedings the responsible body or person finds in favor of the student, the charges will be dismissed, no further record shall be made, and University officials will take reasonable measures to hold the entire matter in confidence.

#### **J. Informal Resolution**

1. Nothing in this procedure shall prohibit the Provost, in consultation with the Dean and the President, from informally resolving any and all charges with the student on mutually agreeable terms and conditions, including, but not limited to, voluntarily relinquishment of a degree, certificate or credit(s).

#### **K. Not a Contract**

1. The information in this document does not constitute a contract between the University and the student. The University reserves the right to make changes in curricula, processes, policies and procedures without giving prior notice.

2. To the extent that other published policies or procedures at the College or School level may overlap with this procedure, the University, at its discretion, may apply those other policies or procedures instead of this procedure.