GENERAL INFORMATION

The University of Wyoming is a State higher education institution whose Trustees are legislatively empowered to confer degrees on students who have earned them, upon the recommendation of the faculty. The Board of Trustees recognizes that there may be instances where a degree is awarded to an individual who, upon review, has not properly completed all requirements for the degree. In such instances, the Board of Trustees may revoke the degree. This regulation establishes the process for such revocation.

PRINCIPLES

Grounds for revoking a degree must include clear and convincing evidence that the degree recipient failed to complete the requirements for the degree that were in effect at the time of the degree conferral and/or engaged in academic misconduct serious enough to negate bona fide completion of one or more explicit degree requirements.

I. DEFINITIONS

A. ACADEMIC MISCONDUCT. An action attempted or performed that misrepresents one’s involvement in an academic endeavor in any way, or assists another student in misrepresenting his or her involvement in an academic endeavor. A full definition is in UW Regulation 6-802. Examples of academic dishonesty include but are not limited to:

1. Plagiarism. Presenting the work (i.e., ideas, data, creations) of another, wholly or in part, as one’s own work without customary and proper acknowledgement of sources and extent of use, unless authorized by the instructor.

2. Fraud. Altering or inventing data, research, or citations for an academic endeavor; fabricating, forging or otherwise misrepresenting to an instructor or an institution one’s past or current academic or professional activities; impersonating someone or allowing oneself to be impersonated for an examination or other academic endeavor; using a ghost writer, commercial or otherwise, for any type of assignment.

B. ALLEGATION. Assertion(s) that may justify degree revocation, involving (i) failure of a degree recipient to complete degree requirements and/or (ii) academic misconduct on the part of a degree recipient; which are (iii) made to the dean or designee of the college from which the degree was awarded.

C. CHARGE. Formal action taken when (1) the dean of a college has factual grounds sufficient to believe that a degree recipient has failed to complete degree
requirements, or has engaged in academic misconduct serious enough to negate bona fide completion of one or more explicit degree requirements, and (2) the degree recipient does not consent to revocation of the degree.

D. CHARGING PARTY. The dean(s) of the college (or colleges, in the case of a degree awarded by an interdisciplinary program sponsored by more than one college) or designee(s), who concludes from an investigation that the degree recipient’s degree was improperly awarded, and brings the case against the degree recipient.

E. COLLEGE. The college (or colleges, in the case of a degree awarded by an interdisciplinary program sponsored by more than one college) that awarded the degree.

F. COMMUNICATE IN WRITING. Notification of the charge and all subsequent communications shall be in writing.

G. HEARING COMMITTEE. A committee of five (5) faculty members to consider the charge and render a finding of fact whether grounds exist for revoking the degree recipient’s degree.

H. LIST OF CANDIDATES. A list of faculty members nominated to serve on the hearing committee. The list shall name ten (10) candidates from not fewer than five (5) colleges within the University. All listed faculty members shall hold tenure, shall not be currently serving as officers of the University, shall have no prior relationship with the degree recipient, and shall have no prior involvement in the matter before the hearing committee.

I. PROVOST. The Chief Academic Officer of the University.

J. WORKING DAY. A day in which the University is open for business.

II. ADMINISTRATIVE PROCESS

A. Allegations(s) of circumstances that may justify degree revocation shall be made to the dean of the college that awarded the degree. The dean or a designee shall conduct a preliminary investigation to determine whether there is a factual basis to conclude that the degree recipient failed to complete one or more explicit degree requirements or committed academic misconduct which would warrant revocation of the degree. The investigation shall be made in a timely manner, and shall be compliant in all respects with relevant federal and state laws and University of Wyoming regulations.

B. If the dean’s or designee’s preliminary investigation reveals factual grounds sufficient to justify degree revocation, the dean or designee shall notify the degree recipient in writing; the notification shall:
• Include a summary of the factual grounds;

• Inform the degree recipient of the right to a hearing in the matter before a committee (the “hearing committee”) comprising faculty members competent to render a finding of fact in the matter;

• Include a copy of this UW Regulation 8-254; and

• Request a response from the degree recipient within thirty (30) working days.

Upon transmitting the notification to the degree recipient, the dean or designee becomes the “charging party” as defined in Paragraph I(D) above.

1. If the degree recipient admits to the facts described in the summary and agrees to degree revocation, s/he shall so indicate by executing a statement to that effect provided by the charging party. The statement shall be returned to the charging party within ten (10) working days of receipt of the statement by the degree recipient. The charging party shall forward the statement to the Provost and to the President of the University with a recommendation for its acceptance.

   a. Within five (5) working days of receipt of the statement or as soon thereafter as practicable, the President shall make a decision accepting or rejecting the statement. The President shall then communicate this decision in writing to the Board of Trustees, the Provost, the degree recipient, and the charging party.

   b. The Board of Trustees shall consider the matter and make the final decision to revoke the degree or dismiss the charge at a special or regular meeting. After the Board of Trustees makes its decision, the decision shall be communicated in writing to the degree recipient, the President, the Provost, and the charging party.

   c. The full record of the case will be maintained in accordance with standing University procedures. The record includes the factual grounds justifying revocation of the degree, the statement executed by the degree recipient, the decision of the President, and the decision of the Board of Trustees.

2. If the degree recipient contests the facts described in the summary, does not return the statement agreeing to revocation of the degree within the specified time, or otherwise requests a hearing, the charging party shall communicate in writing a formal charge (“the charge”) to the degree recipient. The charge specifies the degree requirement(s) allegedly not satisfied or the academic misconduct alleged to have occurred, the evidence, and the basis for concluding that degree revocation is warranted. In addition, the notification shall:

   a. Identify the dean or designee as the charging party and
b. Inform the degree recipient that a hearing committee will consider the charge and render a finding of fact in the matter.

3. In the event a hearing committee is required, the following steps shall be taken:

   a. Within ten (10) working days of communicating the charge to the degree recipient, the charging party will inform the Provost of the charge and the need to form a hearing committee;

   b. Within twenty (20) working days of being so informed, the Provost will create a list of candidates for the hearing committee, and present it to the Executive Committee of the Faculty Senate;

   c. Not later than the next regularly scheduled meeting of the Executive Committee, the Executive Committee will select the hearing committee members from the list of candidates;

   d. Within fifteen (15) days of being designated, the hearing committee shall convene in order to

      i. Elect one of its number as chair;

      ii. Review the charge;

      iii. Establish a schedule under which it will:

            • Receive and consider the factual evidence supporting the charge;
            • Receive and consider any information that the degree recipient may wish to submit in rebuttal to the charge;
            • Hold one or more hearings with the degree recipient; and
            • Render a written finding of fact regarding the charge to the Provost.

   f. The hearing committee will make every effort to complete its work and render a finding of fact to the Provost in a timely manner. It shall, however, allow sufficient time to consider fully all evidence and arguments brought before it.

III. HEARING PROCESS

A. As soon as possible after the hearing committee has elected its chair, the chair will institute a discovery process to prepare for the hearing. Discovery shall be limited to an exchange of information between the charging party and the degree recipient of (1) relevant documents, which may include a written rebuttal from the degree recipient and (2) lists of witnesses (if any), including a summary of the
factual testimony expected from each witness. Exchange of information will be completed, and also provided to the hearing committee, not later than ten (10) working days prior to the hearing. The hearing committee chair shall have final authority over the suitability of documents and witnesses.

B. The chair, the charging party, and the degree recipient will use their best efforts to convene a hearing on the earliest possible mutually convenient date following the election of the chair. The hearing committee shall allow the degree recipient sufficient time to prepare a defense, but shall not permit the degree recipient to postpone or delay the hearing date unreasonably.

C. The hearing shall be held on the date scheduled, but may be delayed by the chair of the hearing committee for good cause shown upon request of the degree recipient, the charging party, or a member of the hearing committee.

D. The hearing committee meetings and process shall conform in all respects to the provisions of the Family Educational Right to Privacy Act. All charges and information gathered regarding the charge shall be confidential. The hearing will not be open to the public unless the degree recipient so requests and the hearing committee concurs.

E. The parties involved in the process are the charging party and the degree recipient. The chair of the hearing committee will preside over the meeting and any adjournments thereof.

F. The burden of proof shall be on the charging party to prove the charge by clear and convincing evidence.

G. The hearing shall be recorded by a certified court reporter at the University’s expense.

H. The degree recipient may be advised or represented at the hearing, or any adjournments thereof, by legal counsel at his/her expense.

I. If the charging party requests, the University shall provide counsel to represent the charging party in presenting the evidence.

J. The University shall provide outside counsel to advise the hearing committee and assist in the conduct of all proceedings. The hearing committee chair shall have the authority to define the function of its counsel.

K. At the hearing the charging party and the degree recipient may present an opening and closing statement to the hearing committee, and present witnesses for questioning by the hearing committee. No depositions may be taken unless a witness is unavailable to testify in person or by some other means on the day of the hearing and the hearing committee chair determines that a deposition is necessary to the committee’s deliberations. Hearing committee members and
their counsel may ask questions of the charging party, the degree recipient, their respective counsel, and all witnesses.

L. No formal rules of evidence shall be used by the committee. The chair shall control the conduct of the hearing and shall rule on the admissibility of any evidence and may exclude any witnesses, documents, interrogatories, or cross-examinations which would appear to be untrustworthy, irrelevant, or redundant.

IV. FINDINGS AND DECISION

A. The committee shall present written findings of fact to the Provost. These findings shall state whether the charge was substantiated by clear and convincing evidence and shall also set forth the specific pertinent factual findings established by the evidence. These findings shall be by majority vote and shall be reported to the Provost as soon after the conclusion of the hearing as is practicable. The findings shall be communicated in writing to the charging party and the degree recipient.

B. Within five (5) working days of receipt of the committee findings or as soon thereafter as practicable, the Provost shall make a written recommendation to the President of the University regarding whether the degree should be revoked or the charges dismissed. The recommendation shall be communicated in writing to the charging party, the hearing committee, and the degree recipient.

C. Within five (5) working days of receipt of the Provost’s recommendation or as soon thereafter as practicable, the President shall make a decision on the case. The President shall communicate the decision in writing to the charging party and the degree recipient.

1. If the Provost recommends dismissal of the charge and the President concurs with that recommendation, the charge is dismissed.

2. If the Provost recommends revocation of a degree and the President does not concur with that recommendation, the charge is dismissed. In that event, however, the President shall provide an explanation in writing of the reasons for dismissing the charge to the charging party, degree recipient, and hearing committee. The explanation shall become part of the full record of the case and proceedings.

3. If the Provost recommends revocation of a degree and the President concurs, the President shall forward to the Board of Trustees a recommendation to revoke the degree and the reasons for it, along with the full record of the case and proceedings.

4. If the Provost recommends dismissal of the charge and the President does not concur with that recommendation, the President shall forward to the Board of
Trustees a recommendation to revoke the degree and the reasons for it, the recommendation of the Provost, and the full record of the case and proceedings.

D. If the case is forwarded to the Board of Trustees, the Board shall consider the matter at a special or regular meeting.

1. The degree recipient may submit a written argument to the Board, indicating why the Board should dismiss the recommendation for revocation of the degree. The written argument must be submitted no later than twenty (20) working days after the degree recipient is sent notice of the President’s recommendation. The degree recipient shall provide a copy of the written argument to the charging party.

2. The charging party shall have ten (10) working days from receipt of the degree recipient’s written argument to submit a written response to the Board of Trustees and to the degree recipient.

3. The Board may determine that it desires additional information and schedule a time for oral argument from the parties, or request additional written argument from the parties.

4. The Board shall revoke the degree or dismiss the charge.

5. The Board shall communicate its decision, in writing, to the charging party, to the degree recipient, and to the President within five (5) working days of the decision.

E. The decision of the Board of Trustees is the final decision of the University.

F. The full record of the case will be maintained in accordance with standard University procedures. The record includes the charge, all evidence presented, a transcript of the hearing, the findings of the hearing committee, the recommendation of the Provost, the decision of the President, and the decision of the Board of Trustees.

Source:
University Regulation 254; adopted 7/17/08 Board of Trustees meeting
Revisions adopted 3/4/11 Board of Trustees meeting