

1 FS 13/14-107/APC/EX Sacramento State Degree Revocation Policy and Procedure Revision  
2 Of  
3

4 The Faculty Senate recommends revision of the Sacramento State University Degree Revocation  
5 Policy and Procedures effective within one month after policy approval.

6 **Introduction:**

7 California State University, Sacramento's<sup>1</sup> award of degrees and certificates constitutes its certification of  
8 student achievement. In order to preserve the integrity of the academic standards and of the Degrees and  
9 Certificates granted by the University, the University may ~~exercise its right to~~ revoke a previously  
10 conferred Degree or Certificate. This authority to revoke rests with the President **with the involvement**  
11 **in the process of the Faculty Senate acting through its Faculty Representative. Neither the**  
12 **President's part in the process nor the President's authority to revoke a degree may be delegated to**  
13 **a designee.**

14 The University recognizes that a Degree or Certificate once conferred is the property of the Student upon  
15 whom it has been conferred. As such, it creates in the Student a reasonable expectation of continuing  
16 possession of it and enjoyment of the economic, social and personal consequences flowing from having  
17 earned it. A Student's continuing possession of a Degree or Certificate is therefore protected by law.

18 Nevertheless, a Degree or Certificate may be revoked by the University if information comes to light,  
19 which, if known at the time the Degree was awarded, would have resulted in a determination that the  
20 Degree should not be conferred. Cause for Degree or Certificate ~~on~~ revocation shall be ~~is~~ limited to acts  
21 of intentional misconduct by a student or students or by administrators, faculty or **and** staff at the  
22 initiative of or **with the knowledge and** consent or **acquiescence of the student or students involved** ~~or~~  
23 **by a student or** ~~students~~ committed in the direct, specific pursuit and procurement of the degree or  
24 certificate. Cause for revocation shall be limited to acts such as ~~including~~ fraud, academic dishonesty, or  
25 intentional falsification or unauthorized altering of information **in** ~~of~~ a Student record or other acts  
26 amounting to a violation or violations of the University Policy and Procedures Regarding Academic  
27 Honesty, the Student Conduct Code (Title 5, Art. 2, Sec. 4103 of the State Administrative Code) or other  
28 provisions of state law in effect at the time of the alleged misconduct. **Revocation of a Degree or**  
29 **Certificate may occur only if all procedures set forth below are followed. Notice: The Student may**  
30 **contact a Legal Advisor when first notified of the University's intention to revoke a Degree or**  
31 **Certificate under this policy and consult with the Legal Advisor at any time throughout the process**

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<sup>1</sup> California State University, Sacramento is referred to throughout this policy as "University."

1 **and the hearing. The Legal Advisor may accompany the student to any proceeding in the capacity**  
2 **of an advisor.**

3 **I. General Procedural Provisions:**

- 4 A. Advisor: An Advisor (**legal or otherwise**) is someone who may accompany the Student or  
5 University at the Degree revocation hearing **or any meeting to which the student has been**  
6 **summoned or invited prior to or following the hearing pertaining to revocation of a**  
7 **degree or certificate. Both the student and the University may** ~~The Advisor's role is~~  
8 ~~limited to consulting and providing~~ **or seek** support **from an The Advisor or authorize an**  
9 **Advisor and may not to** speak for, or on behalf of, the Student or **the** University. ~~The~~  
10 ~~Advisor may not be an attorney.~~
- 11 B. Clear and convincing evidence: Clear and convincing evidence ~~is~~ **means** evidence of such  
12 convincing force that it demonstrates, in contrast to the opposing evidence, **the highest** a  
13 ~~high~~ probability of the truth of the fact(s) **known to the civil law** for which it is offered as  
14 proof. ~~Such~~ **E**vidence under this standard must satisfy ~~requires~~ a **much** higher standard of  
15 proof than proof "by a preponderance of the evidence" but a **somewhat** lower standard than  
16 required for proof "beyond a reasonable doubt." -- **the standard governing under criminal**  
17 **law.**
- 18 C. **Probable cause: Probable cause to believe a thing exists or has existed or an action is**  
19 **occurring or has occurred is present when the evidence before one supports the**  
20 **inference that it is more likely than not that the thing exists or has existed or the action**  
21 **is occurring or has occurred.**
- 22 D. **Strong likelihood: As used herein, the phrase "strong likelihood" implies a degree of**  
23 **conviction greater than that associated with a finding of probable cause but less than**  
24 **that associated with a finding based on clear and convincing evidence.**
- 25 E. Degree: Degree includes any form of Degree, academic credential, certificate, or  
26 professional designation ~~or other award (e.g. Honors designation)~~ conferred by the  
27 University, or any of its colleges, departments or units, including the College of Continuing  
28 Education.
- 29 F. Registrar: Registrar refers to the management personnel in Office of the Registrar at the  
30 University.
- 31 G. Notice of Intent to Revoke Degree: Notice of Intent to Revoke Degree is the written notice  
32 issued to a Student whose Degree the University intends to revoke under the terms of this  
33 policy.

- 1 H. Student: The term Student shall include all current and former students, including a student  
2 in the College of Continuing Education.
- 3 I. Hearing Officer: The Hearing Officer referred to herein shall be a person selected by the VP-  
4 PEMSA and Provost. The Hearing Officer shall be **an administrative law judge (ALJ)**  
5 ~~University faculty member or administrator~~ who has relevant experience or who shall have  
6 received appropriate training regarding this policy and procedure as well as the standards  
7 associated with the granting of the Degree at issue in the proceedings. ~~Student conduct~~  
8 ~~administrators and their subordinates,~~ **No** person with a conflict of interest in the matter, ~~and~~  
9 ~~percipient witnesses giving rise to the matter are ineligible to~~ **shall** serve as **a** Hearing  
10 Officers. ~~If a conflict of interest or other cause prevents the selection of a Hearing Officer~~  
11 ~~employed by the University, a Hearing Officer who is a faculty member or administrator at~~  
12 ~~another CSU campus shall be asked to serve as a Hearing Officer.~~
- 13 J. Timelines: The University may, but is not required to, extend timelines set forth herein.  
14 Extensions shall be determined by the VP-PEMSA or designee. The VP-PEMSA or designee  
15 shall promptly and in writing notify the Student and any University administrators involved  
16 of any revised timeline.

17 **K. Faculty Representative: The term faculty representative shall refer to a faculty member**  
18 **designated by the Faculty Senate to act for it under this policy.**

19

20 **L. Committee Action:** If the Provost, ~~and~~ VP-PEMSA **and faculty representative acting as a**  
21 **committee** are in disagreement at any stage of the proceedings set forth in this policy, the  
22 **vote of two members of the committee** ~~Provost's~~ shall have the authority to make the  
23 decision **shall decide the question. The disagreeing member may include a statement**  
24 **setting forth his or her views with the committee's recommendation.**

25

26 **II. Investigation:**

- 27 A. When information comes to light that places into question the validity of a previously  
28 conferred Degree, it shall be referred to the University Registrar, **or other designee**  
29 **appointed by the President.**
- 30 B. Upon receipt of such information, the Registrar, **or other designee** shall ~~conduct~~ **coordinate**  
31 an initial review of the information **in conjunction with relevant parties** and determine  
32 **preliminarily** whether such information is credible and whether, if established as true, the  
33 evidence would justify the revocation of a Degree.

- 1 C. ~~If~~ The Registrar or other designee shall write a report justifying his or her their  
2 preliminary findings and shall submit the report to ~~determines that the information is~~  
3 ~~credible and, if established, would justify the revocation of a Degree, the Registrar shall~~  
4 ~~inform the VP-PEMSA, and notify and make it available to other involved parties. If of~~  
5 ~~this~~ the preliminary ~~determination~~ is that revocation should be considered, ~~and shall~~  
6 ~~request that the Registrar~~ or other designee shall ask the VP-PEMSA for authorization  
7 request to be authorized to conduct a formal investigation into the matter. If the VP-PEMSA  
8 agrees, the VP-PEMSA shall direct the Registrar (or the President's previously appointed  
9 other designee) to conduct an investigation, which shall be completed normally within sixty  
10 (60) calendar days. Upon completion of the investigation, the Registrar shall present to the  
11 VP-PEMSA, ~~and the Provost~~ and a faculty representative appointed by the Faculty  
12 Senate a report of the Registrar's findings with regards to the information examined and a  
13 recommendation as to whether the evidence establishes a strong likelihood ~~by clear and~~  
14 ~~convincing evidence~~ that the Degree should be revoked.
- 15 D. The VP-PEMSA, ~~and the Provost,~~ and a faculty representative acting as a committee  
16 shall review the report and, if appropriate, may ask the Registrar and/or other University  
17 personnel to investigate any other information relevant to whether the Degree should be  
18 revoked. On the basis of their review and further investigation, if any, the VP-PEMSA,  
19 the Provost and Faculty Representative shall recommend in writing a course of action to  
20 the President and shall submit that recommendation, the Registrar's report and  
21 supporting material to the President. They may recommend that there is insufficient  
22 evidence to support a conclusion that a strong likelihood exists that the degree should be  
23 revoked or that sufficient evidence exists to support that conclusion and that  
24 consequently a "Notice of Intent to Revoke Degree" should be issued to the Student.  
25 justify a revocation, no further action shall be taken based on this complaint.
- 26 E. The President shall review the Registrar's report and the recommendation of the VP-  
27 PEMSA, Provost and faculty designee and the submitted materials and, if appropriate,  
28 may ask any University personnel to investigate any other information relevant to  
29 whether the Degree should be revoked. If the President decides on the basis of that  
30 review and further investigation, if any, that a strong likelihood exists that the Degree  
31 should be revoked, the President shall inform the VP-PEMSA, the Provost, the Faculty  
32 Representative and the Registrar of that decision ~~determination~~ and direct the VP-PEMSA  
33 or designee to ~~shall~~ issue a "Notice of Intent to Revoke Degree" to the Student to whom the

1 award was made issued. If the ~~VP-PEMSA and the Provost~~ **President** determines that there  
2 is insufficient evidence to support a conclusion that a strong likelihood exists that the  
3 degree should be revoked, justify a revocation, no further action shall be taken based on the  
4 Registrar's report. based on this complaint and the Degree shall remain intact.

5  
6 **III. Process when Notice of Intent to Revoke Degree is Issued:**

- 7 A. The Notice shall be a written notice sent to the Student advising the Student that the  
8 University has probable cause to revoke ~~clear and convincing evidence that justifies the~~  
9 ~~revocation of~~ the Student's Degree pursuant to this policy. The Notice shall identify the  
10 Degree (and year that it was awarded) and shall describe the evidence upon which the Notice  
11 is based in sufficient detail to allow the Student to respond to the Notice. A copy of this  
12 policy shall also accompany the Notice. The Student may ~~is allowed to~~ contact a Legal  
13 Advisor at this time and consult with the Legal Advisor at any time throughout the process  
14 and the hearing. The Notice shall state that if the Student decides to contest the revocation,  
15 the Student shall, within thirty (30) calendar days of receipt of the Notice, make a written  
16 request to the **President** ~~VP-PEMSA~~ for a hearing. The Notice shall also state that if the  
17 Student requests a hearing, the Student shall prepare a written response to the Notice  
18 ("Response") stating whether the Student disputes the information set forth in the Notice  
19 ~~and/or~~ the University's conclusion that probable cause exists to revoke the Degree or both  
20 ~~should be revoked~~ as well as the specific evidence and reasons upon which the Student bases  
21 such dispute of information or conclusion.
- 22 B. The Notice shall be sent by certified mail with return receipt requested, personal or overnight  
23 delivery, to the last known mailing or contact address for the Student; if possible, the Notice  
24 shall also be sent concurrently via email to the email address(es) on file with the University.  
25 The University shall also attempt to provide Notice to the student via phone call to the last  
26 known phone number on file. The Student's written request for a hearing and Response shall  
27 be sent to the **President** ~~VP-PEMSA~~ via certified mail within the thirty (30) day period set  
28 forth in Paragraph 4.a. Once all efforts to contact and provide Notice to the student have  
29 been exhausted, absent good cause to be determined by the University, the failure to ~~timely~~  
30 request a hearing within the time permitted and submit a Response shall result in the  
31 University convening an ex parte hearing before an ALJ to seek revocation of ~~revoking~~  
32 the Degree as set forth in Paragraph 4.d. below.

- 1 C. The thirty (30) calendar day period within which the Student may request a hearing shall  
2 commence as of the date of receipt by the Student as reflected on the written confirmation  
3 received by the University that the Student received the Notice. This confirmation ~~may~~ **can**  
4 be a document signed by the person who delivered the Notice indicating that the Student was  
5 given the Notice; a receipt signed by the Student acknowledging receipt of the Notice by  
6 certified mail; a signed acknowledgement by the Student acknowledging receipt of the  
7 overnight mail containing the Notice; or other proof of actual receipt by the Student, such as  
8 email delivery confirmation.
- 9 D. If the University receives confirmation pursuant to Paragraph 4.c and the Student does not  
10 timely request a hearing, the President ~~University~~ **shall direct the VP-PEMSA to convene**  
11 **an ex parte hearing before an ALJ to seek to** ~~may~~ revoke the Degree. ~~without further~~  
12 ~~proceedings.~~ (If the University does not obtain appropriate confirmation, it may nevertheless  
13 proceed with revocation in accordance with Paragraph 4.k **below herein.**)
- 14 E. If the Student requests a hearing, the **President shall direct the VP-PEMSA to** ~~VP-PEMSA~~  
15 ~~or designee shall~~ use reasonable efforts to schedule such hearing no sooner than thirty (30)  
16 and no later than sixty (60) calendar days after the Student notifies the University of the  
17 Student's request for a hearing. The Student shall be provided with written notice of the  
18 scheduled hearing date and location no later than fourteen (14) days before the hearing.
- 19 F. The Student shall be entitled **with or without the assistance of a Legal Advisor** to review  
20 the evidence that supports the University's Notice and may request a copy of such evidence at  
21 a cost not to exceed that provided under the California Information Practices Act (Civil Code  
22 section 1798 et. seq.). The Student and the VP-PEMSA or designee shall exchange a list of  
23 witnesses to be called at the hearing no later than fourteen (14) calendar days prior to the  
24 hearing. At the Student's written request, the University shall send a "notice to appear" to  
25 any University employee-witness at his or her University-assigned email address. If, after  
26 this deadline, the Student and/or the University wish to supplement their witness list, they  
27 shall request permission from the ALJ Hearing Officer ~~to do so.~~
- 28 G. The Student and the University may be accompanied at the hearing by an Advisor, **whether**  
29 **an attorney or not,** who may ~~neither~~ speak for, ~~nor~~ on behalf of, the Student or University.
- 30 H. The hearing shall take place before an **Administrative Law Judge (ALJ)** ~~Hearing Officer~~  
31 selected by the President ~~VP-PEMSA~~. The President ~~VP-PEMSA~~ or designee shall **attend**  
32 **the hearing and sit with the ALJ to receive evidence and hear arguments. The VP-**

1 **PEMSA or designee shall represent the University's evidence and arguments that facts**  
2 **exist that justify revocation of the Degree.**

- 3 I. Subject to Paragraph 4.f **above** herein, the Student and the **VP-PEMSA or designee**  
4 ~~University~~ shall be allowed to introduce evidence and call witnesses to testify at the hearing.  
5 The formal rules of evidence applied in courtroom proceedings **shall** ~~do~~ not apply in the  
6 hearing. All information that responsible persons are accustomed to rely upon in the conduct  
7 of serious affairs **may be introduced** ~~is considered~~, although unduly repetitive information  
8 may be excluded. The ~~ALJ Hearing Officer~~ **shall govern** ~~controls~~ the proceedings.
- 9 J. If, after requesting a hearing, the Student fails to appear at the hearing without good cause,  
10 the hearing shall proceed nevertheless and the ~~ALJ Hearing Officer~~ shall render a decision  
11 based on the evidence submitted by the **VP-PEMSA or designee** and the Student's written  
12 response. The ~~ALJ Hearing Officer~~ shall **determine** ~~weigh the~~ **whether there is clear and**  
13 **convincing** evidence **on the record taken as a whole to substantiate the charges of**  
14 **student misconduct underlying the University's contemplated revocation of the**  
15 **Student's Degree pursuant to this policy.** ~~presented and~~ ~~The ALJ~~ shall draw no inferences  
16 from the Student's absence from the hearing.
- 17 K. If, despite its own due diligence, the University receives no confirmation that the Student  
18 received the Notice, or is unable to locate the Student to provide the Notice, the University  
19 may nonetheless seek revocation of the Degree **in an ex parte hearing before an ALJ.** The  
20 University shall schedule **the ex parte** a hearing within sixty (60) calendar days of the date  
21 of the Notice. ~~that shall proceed in the absence of the Student.~~ The ~~ALJ Hearing Officer~~  
22 shall consider the evidence presented at the hearing by the **VP-PEMSA or designee**  
23 ~~University~~ and shall determine whether there is **clear and convincing** ~~sufficient~~ evidence **on**  
24 **the record taken as a whole** to **substantiate the charges of student misconduct**  
25 **underlying the University's contemplated revocation of** ~~revoke~~ the Student's Degree  
26 pursuant to this policy. The ~~ALJ Hearing Officer~~ shall draw no inferences from the  
27 Student's absence from the hearing.
- 28 L. The ~~ALJ Hearing Officer~~ shall consider and weigh the evidence and shall prepare written  
29 findings **of fact and conclusions of law** concerning whether there is clear and convincing  
30 evidence **on the record taken as a whole** to **substantiate the charges of student**  
31 **misconduct underlying the University's contemplated revocation of** ~~revoke~~ the **Student's**  
32 Degree **pursuant to this policy.** The ~~ALJ Hearing Officer~~ shall submit such written findings

1 of fact, conclusions of law and any appropriate recommendations to ~~the Provost, and the~~  
2 ~~VP-PEMSA~~ the President no later than thirty (30) calendar days after the hearing.

3 M. The President shall consider the ALJ's findings and conclusions and shall decide  
4 whether to revoke the Degree. If the student's Degree is revoked and the Student is  
5 enrolled in the University at the time of revocation, the President, acting with advice of  
6 the VP-PEMSA, shall decide whether to impose an additional sanction or sanctions  
7 commensurate with the proven instance or instances of misconduct giving rise to Degree  
8 revocation. The additional sanction or sanctions may affect the Student's current  
9 enrollment. They may reach as well the Student's opportunity to enroll in future if the  
10 Student is not currently enrolled.

11 N. ~~The Provost and VP-PEMSA~~ President shall prepare a decision letter that either accepts the  
12 ALJ's findings of fact and conclusions of law in whole or in part, rejects them in whole  
13 or in part ~~Hearing Officer's recommendation, adopts a different result, or refers the matter~~  
14 ~~back to the ALJ's Hearing Officer for further findings on enumerated issues. If the Provost~~  
15 ~~and VP-PEMSA~~ President ~~departs from the ALJ's Hearing Officer's findings and~~  
16 conclusions ~~recommendation, the decision letter shall explain the rare and compelling~~  
17 ~~reasons for such rejection departure. While the President may decide not to revoke a~~  
18 Degree where an ALJ has found the University's charge or charges proven, the  
19 President may not revoke a Degree where an ALJ has found none of the University's  
20 charges proven. The decision letter shall be issued within fifteen (15) calendar days of the  
21 ALJ's ~~Hearing Officer's~~ recommendation. Any decision letter that refers the matter back to  
22 the ALJ ~~Hearing Officer~~ shall include timelines to govern the submission of ~~for the ALJ's~~  
23 ~~Hearing Officer's~~ supplemental findings, conclusions and further recommendations  
24 pursuant to them. ~~as well as the subsequent supplemental decision letter.~~

25 O. If a Degree is revoked in accordance with Paragraph 4.k (University unable to locate  
26 Student), a Student who later learns of the revocation and wishes to contest it may request a  
27 rehearing of the matter in writing. ~~The Student shall provide clear and convincing evidence~~  
28 ~~to the VP-PEMSA, and the Provost that the Student did not receive any advance notice~~  
29 ~~(either in writing or verbally) of the University's intent to revoke the Student's Degree~~  
30 ~~through no fault of the Student. The decision to grant or deny a rehearing shall be made by~~  
31 ~~the Provost, and the VP-PEMSA, and shall be final. The decision shall be made within sixty~~  
32 ~~(60) calendar days of receipt of the request and provided to the Student in writing. If a~~



1 ~~rehearing is granted by the Provost, and VP-PEMSA,~~ **The request shall be granted and** a  
2 new **ALJ Hearing Officer** shall be assigned to hear the matter.

3 P. The VP-PEMSA or designee may direct the Registrar to place an administrative hold on the  
4 issuance of any official transcript for a student to whom a Notice of Intent to Revoke Degree  
5 has been sent. The student **may** ~~will be able to~~ request and **have** access **to** unofficial  
6 transcripts under the same conditions as any other student.

7 Q. Nothing in this policy shall be construed to prevent the Provost, ~~and~~ **the** VP-PEMSA, **and**  
8 **the Faculty Representative acting as a committee from recommending and the President**  
9 from agreeing to an informal resolution of the matter with a Student in lieu of, or after, a  
10 hearing. **An informal resolution that includes revocation of a degree, certificate or**  
11 **award of professional designation shall require the approval of the President. An**  
12 **informal settlement in lieu of a hearing shall be effected when the Student and the**  
13 **University agree to (1) a statement of fact that establishes the existence of the facts**  
14 **alleged by the University to justify revocation of the Student's Degree in the Notice of**  
15 **Revocation of Degree sent to and received by the Student. If the informal settlement is**  
16 **to include revocation of a Degree, the Student and the University shall also agree to a**  
17 **statement that (2) the established facts reflect conduct by the Student that is sufficiently**  
18 **grave or egregious to warrant revocation of the Degree. Failure to agree to either (1) or**  
19 **(2) above shall require a hearing on the issue where disagreement exists. A statement or**  
20 **statements that constitute an informal settlement under this section shall be reduced to**  
21 **writing and signed by both the Student and the President.**  
22

#### 23 IV. Post-Revocation Steps:

24 If a Degree is revoked pursuant to Paragraph 4.d (Student does not request a hearing), 4.k (University  
25 unable to locate Student), or 4.m (after hearing), the Registrar shall:

- 26 A. Ensure that all relevant records of the University relating to the Student are promptly  
27 amended to reflect the Degree revocation;
- 28 B. Note the effective date of the revocation on the Student's transcript and use reasonable efforts  
29 to transmit a copy of the official (revised) transcript to the Student; and
- 30 C. Use reasonable efforts to notify the Student that the Student is no longer entitled to represent  
31 to any person that he or she is the recipient of the revoked Degree and that the Student should  
32 take appropriate steps to notify all former and current employers, relevant educational  
33 institutions, professional registration bodies or associations, or others as applicable that the

1 Degree has been revoked. If, despite its own due diligence, the University is unable to  
2 provide this notice to the Student due to an inability to contact or locate the Student, the  
3 University shall place a hold on the Student's records until such time as it is able to provide  
4 such notice.

5 D. **All subsequent notices of degree conferral will be amended to note the revoked degree.**

6 **E.** If at the time of the revocation the Student is enrolled at the University, **the findings of fact**  
7 **of the ALJ substantiating or failing to substantiate any of the charges of misconduct**  
8 **resulting in revocation of a Degree shall conclude the matter of the charge or charges**  
9 **with the student. If a charge is substantiated, the University may impose a further**  
10 **sanction on the currently enrolled student that is the sort customarily imposed by the**  
11 **University following a proven violation of the California State University, Sacramento**  
12 **Policies and Procedures Regarding Academic Honesty or the Student Conduct Code**  
13 **contained in Title 5, Article 2, Section 41301 of the State Administrative Code.** ~~VP-~~

14 ~~PEMSA or designee shall promptly notify the University Student Conduct Officer of the~~  
15 ~~revocation so that the Student Conduct Officer can consider whether to take any steps~~  
16 ~~pursuant to Executive Order 1073 and any other applicable policies.~~

17