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HOUSE BILL NO. 766

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding a section numbered 18.2-172.2, relating to fraudulent academic credentials; penalties.

Patron—Tata

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-172.2 as follows:**

§ 18.2-172.2. Fraudulent academic credentials; penalty.

A. As used in this section, unless the context requires otherwise:

"Degree/diploma mill" means a postsecondary school or institution of higher education that meets any one of the following conditions: (i) issues degrees, diplomas, or certifications without requiring substantial student academic work; (ii) issues degrees, diplomas, or certifications based in part on the student's life or work experience or portfolio without requiring any work submitted to and evaluated by faculty who have appropriate academic degrees from accredited institutions; or (iii) issues degrees, diplomas, or certification basing more than 50 percent of required credits on the student's life or work experience.

"Duly authorized institution of higher learning" means an institution that: (i) is accredited by an accrediting agency recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation; (ii) is certified to operate in Commonwealth of Virginia by the State Council of Higher Education for Virginia or whose program of study is subject to approval by any other state or federal agency; or (iii) does not operate in the Commonwealth of Virginia and is licensed by the appropriate agency of another state and is accredited or is an active applicant for accreditation by an accrediting agency recognized by the U.S. Department of Education.

"Fraudulent academic credential" means: (i) a document such as a diploma or certification issued by an entity that is not a duly authorized institution of higher learning when such document provides evidence of or demonstrates completion of a degree, course work, or academic credit that results in the issuance of an associate or more advanced degree; or (ii) an academic transcript that provides evidence of or demonstrates completion of a course of instruction or course work that results in the issuance of an associate or more advanced degree by an institution that is not a duly authorized institution of higher learning.

"Life or work experience" means college credit earned by students for what they have learned through independent study, noncredit adult courses, work experience, portfolio demonstration, previous licensure or certification, or completion of other learning opportunities such as military, government, or professional.

B. It is unlawful to operate or advertise a degree/diploma mill in the Commonwealth and any person, institution, school, or other entity that operates or advertises a degree/diploma mill in the Commonwealth of Virginia is guilty of a Class 1 misdemeanor.

C. Any person, institution, school, or other entity who issues, in person, by correspondence, by electronic media or any other means, or manufactures a fraudulent academic credential is guilty of a Class 1 misdemeanor.

D. Any person who knowingly uses a false or fraudulent academic credential in an attempt to obtain employment; in an attempt to obtain a promotion or higher compensation in employment; in an attempt to obtain a license or certificate to practice a trade, profession, or occupation; in an attempt to obtain admission to an institution of higher learning; in an attempt to gain a position in government or a public office, whether elected or appointed; or in connection with any business, trade, profession, or occupation is guilty of a Class 3 misdemeanor.

E. Any person, institution, school, or other entity who issues in person, by correspondence, or by electronic media or any other means, a certificate, diploma, transcript, or other document purporting to indicate that another person has completed courses or an organized program of study or earned a degree, knowing that the person has not completed the courses or organized program of study or earned a degree as indicated on the certificate, diploma, transcript, or document is guilty of a Class 1 misdemeanor.

F. Any person who knowingly uses a certificate, diploma, transcript, or other document purporting to indicate that the person has completed courses or an organized program of study or earned a degree

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59 *when the person has not completed the courses or organized program of study or earned a degree as*
60 *indicated on the certificate, diploma, transcript, or document in an attempt to obtain employment; in an*
61 *attempt to obtain a promotion or higher compensation in employment; in an attempt to obtain a license*
62 *or certificate to practice a trade, profession, or occupation; in an attempt to obtain admission to an*
63 *institution of higher learning; in an attempt to gain a position in government or a public office, whether*
64 *elected or appointed; or in connection with any business, trade, profession, or occupation is guilty of a*
65 *Class 3 misdemeanor.*

66 *G. A person damaged by a violation of this section may bring a civil action and may recover*
67 *reasonable attorney fees, court costs, and the person's actual damages.*