

## ISSUANCE AND USE OF FALSE ACADEMIC DEGREES - NORTH DAKOTA CENTURY CODE PROVISIONS

At the March 2, 2012, meeting of the interim Higher Education Committee, a request was made for an overview of North Dakota Century Code sections that pertain to the issuance and use of false academic degrees.

A false academic degree is defined as:

[A] document such as a degree or certification of completion of a degree, coursework, or degree credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or coursework that results in the attainment of a rank or level of associate or higher which is issued by a person that is not a duly authorized institution of higher learning (see Section 15-20.4-15 - [Appendix A](#)).

In accordance with Section 15-20.4-15, it is a Class C felony for a person to "knowingly advertise to sell, issue, or manufacture a false academic degree." Commercial media are exempt from the provision. A Class C felony is punishable by a maximum penalty of five years' imprisonment, a fine of \$5,000, or both.

On first reading the application of this section might appear to be fairly broad. However, when viewed in its entirety, the section applies only to the printing and selling of diplomas by entities that are **not** "duly authorized institutions of higher learning." As defined in that section, the statutory prohibition does not apply to:

1. **An institution whose accreditation is recognized by the United States Secretary of Education** or an institution that has the foreign equivalent of such accreditation;
2. An institution that is authorized to operate under Chapter 15-20.4, i.e., any nonexempt postsecondary educational institution;
3. An institution that operates in this state and is exempt under Section 15-20.4-02, i.e., an elementary or high school, an institution offering recreational education, a barber or cosmetology school, etc.;
4. An institution that does not operate in this state and is licensed by the appropriate state agency and actively applying for accreditation by a recognized accrediting body; or
5. An institution that has been found by the State Board for Career and Technical Education to meet standards of academic quality comparable to those of an institution that is located in this country and is accredited by the United States Secretary of Education to offer degrees of the type and level claimed.

Section 15-20.4-15 also prohibits an individual from knowingly using or claiming to have a false academic degree in order to obtain employment, a promotion or higher compensation, or admission to an institution of higher learning, or in connection with any business, trade, profession, or occupation. An individual who violates this provision is guilty of a Class A misdemeanor. The maximum penalty for such a violation is one year imprisonment, a \$2,000 fine, or both.

Section 15-20.4-15 pertains to the use of a false academic degree, i.e., one issued by an institution that is not a duly authorized institution of higher learning. Section 15-20.4-16 is similar, except that it prohibits an individual from:

[Using] a degree, certificate, diploma, transcript, or other document purporting to indicate that the individual has completed an organized program of study or completed courses when the individual has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript, or document:

- a. To obtain employment;
- b. To obtain a promotion or higher compensation in employment;
- c. To obtain admission to an institution of higher learning; or
- d. In connection with any business, trade, profession, or occupation (see Section 15-20.4.-16 - [Appendix B](#)).

An individual found to have violated this provision is also guilty of a Class A misdemeanor. However, if an individual engages in the prohibited activity outside this state, the individual is outside the reach of the North Dakota provision. The individual may, however, be subject to a similar law in that other jurisdiction.

Sections 15-20.4-15 and 15-20.4-16 are the codification of House Bill No. 1068, which was introduced by the State Board for Career and Technical Education in 2003. The legislative history can be found at [www.legis.nd.gov/assembly/58-2003/bill-status/house/HB1068.pdf](http://www.legis.nd.gov/assembly/58-2003/bill-status/house/HB1068.pdf).

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