

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

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DPM LETTER: 300-12

SUBJECT: Use of Bogus Degrees by Federal
Employees or Job Applicants

DATE: JUN 12 1986

Attached is a letter received from the Office of Personnel Management concerning the use of bogus degrees by federal employees or job applicants. The letter contains policies and procedures to be followed when use of a bogus degree is detected.

Questions concerning this letter should be directed to the Personnel Policy Division (M-16) on 426-2764. Specific questions about disciplinary actions in cases involving use of bogus degrees should be directed to the Labor Relations Division (M-17) on 426-4156.



Director, Office of Personnel

Attachment

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OPI: M-16/SCHOSSLER

Enclosures



United States
**Office of
Personnel Management**

Washington, D.C. 20415

In Reply, Refer To

MAY 29 1986

Your Reference

MEMORANDUM TO DIRECTORS OF PERSONNEL, PERSONNEL SECURITY OFFICERS,
AND INSPECTORS GENERAL

Subject: Use of Bogus Degrees by Federal Employees or Job Applicants

From: George Woloshyn
Associate Director 
for Compliance and Investigations

Recently the news media reported that the FBI found some Federal employees and job applicants had claimed bogus degrees from diploma mills. OPM Director Horner wrote to the heads of departments and agencies enlisting their support in our effort to combat this problem. We need your active participation to succeed. Therefore, I am writing to address your role in detecting and dealing with bogus degree claims.

Enclosure 1 is a list of bogus institutions, identified by the FBI, that you can use to detect claims of degrees from bogus institutions when rating applicants' and employees' qualifications. Enclosure 2 is guidance for determining whether such claims constitute fraud and for handling cases where fraud is found, as well as other cases.

OPM has checked approximately 2,000 FBI-supplied names of bogus degree holders with the names of individuals in our Security Investigations Index. Where we find a match, we are sending the names to the appropriate agency Security Officers. It is our understanding that agency Inspectors General may receive similar information directly from the FBI. We are asking agencies to determine whether the person listed as having a bogus degree is currently employed; whether fraud occurred (i.e., whether the person intentionally claimed a degree he or she knew was bogus for personal gain from Federal employment); whether the bogus claim affected the agency's qualification or selection decisions; what action they recommend be taken when fraud is found and the matter is in OPM's jurisdiction; and what action they are taking when the matter is in the agency's jurisdiction.

OPM is now making an additional check when we verify degrees during our investigation of applicants and employees. We've had verification procedures for years, but the new check closes a loophole in detecting bogus degree claims. Also, OPM examining offices will use the list of bogus institutions to detect possible fraud on applications processed by OPM. I will inform you of additional initiatives in this area as we take them.

I urge you and your staff to do your utmost to help us eliminate the problem of potential compromise of the merit system by bogus degree claimants. If you have questions on this overall effort, please contact Bob Herrmann, (202) 254-6844.

Thank you for your cooperation.

Enclosures

American Western University (AWU) Locations: Tulsa, OK and Springfield, MO

Chicago Medical College of Homeopathy

ElySION College of Liberal Arts Locations: Salt Lake City, UT; Covina, CA; Santa Fe, NM; Parker, AZ; Baja California, Mexico; San Ysidro, CA; Williams, AZ; and Bellflower, CA

Falls Medical School Location: Falls, NY

Homeopathic Faculty of Zurich Location: Zurich, Switzerland

Johann Keppler School of Medicine Location: Toronto, Ontario, Canada

Johann Keppler School of Medicine Location: Zurich, Switzerland

Johann Keppler School of Medicine of Central America Location: Baja California, Mexico

Johann Keppler School of Medicine, North American Admissions Office
Location: Burlington, Ontario, Canada

Mid-Western University Location: Arcadia, MO

North American University Location: Hamilton, Ontario, Canada

Northwestern College of Allied Science (NCAS) Locations: Tulsa, OK and Springfield, MO

Sequoia University Location: Oklahoma

South African College of Homeopathy

South African Faculty of Naturopathy and Osteopathy

Southeastern University and Preparatory School, Inc. Location: South Carolina

Southeastern University and Theological Seminary and Preparatory School, Inc. Location: South Carolina

Southeastern University of the Virgin Islands of the United States
Location: Saint Croix, Virgin Islands

Southwestern Professionals and Educators, Incorporated (SWPEI)

Southwestern University (SWU) Location: Tucson, AZ

Thomas A. Edison College (TAEC) Location: West Palm Beach, FL

United American Medical College Locations: Metairie, LA and Oakville, Ontario, Canada

Williams College Location: Salt Lake City, UT; Covina, CA; Santa Fe, NM; Parker, AZ; Baja California, Mexico; San Ysidro, CA; Williams, AZ, and Bellflower, CA

GUIDANCE FOR AGENCIES IN DEALING WITH BOGUS DEGREE CLAIMS

This guidance is for agencies to use in identifying bogus degree claimants; establishing whether the falsification influenced qualification or selection decisions; deciding on a course of action; and reporting to OPM on each case.

Section 1 discusses OPM's and agencies' jurisdictions in taking action when employees have made bogus degree claims. Section 2 outlines agencies' tasks after receiving from OPM a potential match of an FBI-identified bogus degree holder and one of their employees. Section 3 discusses agencies' ongoing role in detecting and dealing with applicants and employees who make bogus degree claims. Section 4 explains fraud and other falsification. Section 5 outlines appropriate responses to bogus degree claims.

1. Jurisdictions and Authorities

Under Civil Service Rule 5.2 (in 5 CFR Part 5) and 5 CFR Part 731, OPM is responsible for adjudicating cases in which falsification or fraud occurred in the initial examination or appointment process for competitive service employees. As explained below, agencies will have a significant role in this process, including making recommendations to OPM on what action should be taken in relation to one of their employees when fraud occurred in this initial process.

Agencies, on the other hand, are responsible for deciding appropriate action in cases involving all excepted service employees and those competitive service employees who made a bogus claim after the initial examination or appointment process. When agencies take disciplinary action with competitive service employees or preference-eligibles in the excepted service who have completed their probationary or trial period, agencies must use 5 CFR Part 752. Actions involving probationers in the competitive service are taken under 5 CFR Part 315.

2. Agencies' Role With FBI-Identified Bogus Degree Holders

OPM checks the names of FBI-identified bogus degree holders with the names of individuals in our Security Investigations Index to detect possible "matches." We send the possible matches to agency Security Officers. As the letter we send with the name specifies, agencies that receive the names are to determine whether the individuals are their employees. If they are employed there, agencies must investigate to determine if the individuals engaged in fraudulent activity in connection with their employment. If the agency doesn't have the investigative resources or expertise necessary to conduct the investigation, it may ask OPM to conduct it.

In each case, agencies are asked to report to OPM within 30 days after we notify them of the possible match. As we send out cases, we're asking for a more comprehensive report than we previously requested from agency Security Officers. Please note that in cases where OPM has jurisdiction, we are asking you what action you recommend in response to a finding of fraud; however, OPM will adjudicate these cases. Fraud and other falsification are defined and appropriate responses are discussed in sections 4 and 5, respectively.

3. Agencies' Ongoing Responsibility to Detect Bogus Degree Claimants

As part of their day-to-day personnel management responsibilities, agencies must be alert to bogus degree claims made by applicants and employees in connection with an appointment, a promotion, training, or another benefit from Federal employment. An important tool to use in this effort is the list of FBI-identified bogus educational institutions enclosed with this package.

As with the possible matches referred by OPM, these potential cases of fraud must be investigated. Again, if agencies don't have the resources they may ask OPM to conduct the investigation. If the investigation reveals that fraud or other falsification has occurred, the agency must determine whether it or OPM has jurisdiction (see section 1). Fraud and other falsification are defined in section 4.

When agencies have jurisdiction to take disciplinary action they must comply with 5 CFR Part 752 for competitive service employees and preference eligibles in the excepted service who have completed their probationary or trial period. (5 CFR Part 315 applies to actions against competitive service probationers.)

Because there is major concern about the magnitude of the problem of bogus degree claims, OPM asks that agencies also report cases in which they themselves detect a bogus degree claim (that is, a claim that was not one identified as a possible match in the notice we send to agency Security Officers) and establish that fraud occurred. Specifically, please provide the following:

Name of employee

Social Security Number

Title, series, and grade (for position applied for or employed in)

Bogus degree claimed

Bogus institution providing the degree

Action taken by agency

Send report to: OPM - NACI Center
Attn: SAB (DPFR)
Boyers, PA 16018

In addition, if you identify any educational institutions that you suspect are bogus and they are not on the list identified by the FBI (enclosure 1), we ask that you notify OPM. Please relay this information by telephone to Kathy Dillaman, FTS 8-722-6440 or (412) 644-6440.

4. Explanation of Fraud and Other Falsification

Fraud is intentional false statement that results in obtaining employment, promotion, training, special assignment, or other employment-related benefit. Intentionally claiming a degree one knows to be bogus and thereby gaining one of these benefits is fraud.

Examples of fraud are:

- o The bogus degree was claimed to meet the educational or other qualifications for the position obtained;
- o The bogus degree influenced the claimant's ranking on a certificate of eligibles even though it was not a requirement for the position he or she obtained;
- o The bogus degree could have substantially influenced the decision to select the claimant for the position obtained even though the degree was not required for the position;

Intentional falsification that does not result in a benefit is not fraud. When this occurs in the initial competitive appointment process, the application must be referred to OPM for a suitability determination under 5 CFR Part 731. Guidance is included in section 5 below for agency actions not involving initial competitive service appointment.

Some examples of falsification where fraud has not been shown are:

- o The bogus degree was not needed to meet an educational or other qualification requirement for the position;
- o The bogus degree did not affect the claimant's position on a certificate of eligibles;
- o The bogus degree was not likely to have substantially influenced the selecting official's decision;
- o The bogus degree is claimed on an application but the claimant has not yet been employed.

5. Appropriate Agency Response to Bogus Degree Claims

When the degree was required to qualify for a position, fraud occurred. Appropriate action generally is removal from the position. Removal can be by reassignment or change to lower grade to a position in a line of work previously held in which the degree was not required, or separation.

When the degree was not required to qualify for a position and the individual was qualified without it, but the degree was likely to have substantially influenced his or her selection, fraud occurred. Appropriate action ranges from reprimand to suspension to removal by reassignment, change to lower grade, or separation.

When the degree was not required to qualify for a position but it caused the individual to be on a certificate of promotion eligibles he or she would not have otherwise been on, fraud occurred. Appropriate action ranges from reprimand to suspension to removal by reassignment, change to lower grade, or separation.

When the degree was not required to qualify for the position, and the individual could have made the certificate even without the degree, and the degree was not likely to have substantially influenced his or her selection, no fraud occurred. Appropriate action would be a counseling memorandum informing the individual that the bogus degree is worthless and he or she should stop using it as an educational credential and amend his or her official records.

When an employee obtained training, or a special assignment, or some other benefit short of a permanent position assignment, action generally ranges from a counseling memorandum to a reprimand.

We would also like agencies to consider the following whenever they detect bogus degree claims and need to decide upon the appropriate response: Individuals who intentionally choose to misrepresent their educational qualifications and credentials in the hope of gaining an unfair advantage over others for jobs, promotions, reassignment, or other forms of advancement lack trustworthiness and integrity. Even in instances in which the bogus degree claim was not material in the initial employment decision, when the individual is in a sensitive position where standards of trustworthiness and integrity should be particularly high, agencies should seriously consider whether that person should continue in the position.

Agencies have virtually complete discretion in this area. However, we urge them to review the status of such individuals when the positions involve work requiring high public trust, access to sensitive or classified information, fiduciary responsibility, or other elements requiring special standards of trustworthiness and integrity.