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Annulment of Higher Education Diplomas – Terms and Conditions in Cases of Academic Integrity Violations

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Academic integrity is a fundamental value in higher education, ensuring both the quality of education and public trust in higher education institutions. However, cases occasionally arise where individuals have obtained diplomas through dishonest means. This presentation aims to provide a comprehensive overview of the conditions under which a higher education diploma may be annulled, the criteria considered, and the process for evaluating each case individually. The scope of the research includes European democratic countries, with comparative examples from three states.

A higher education diploma certifies an individual's knowledge, skills, and competencies in a specific field of study. Its annulment is an administrative penalty that may be applied following an assessment of the following factors.

- 1) Time Since Obtaining the Diploma. The period that has elapsed since the diploma was issued is a significant factor. The longer the time, the more challenging it may be to prove the violation and the stronger the legal reliance of the individual on the diploma.
- 2) Legal Reliance. Whether, in a given case, the individual has developed a legitimate legal reliance on the diploma.
- 3) Awareness of the Violation. It is essential to determine whether the academic dishonesty was intentional or occurred due to negligence or ignorance.
- 4) Proof of Guilt. The annulment of a diploma must be based on proven academic dishonesty. The presumption of innocence must be upheld, and the burden of proof lies with the institution making the annulment decision.
- 5) Effect of the Decision – Retroactive or Prospective. It must be assessed whether the annulment should take effect retroactively or prospectively. A retroactive annulment may have significant negative consequences for the individual, whereas a prospective annulment may be a more proportionate solution in some cases.
- 6) Principle of Proportionality. The annulment must be proportionate to the violation and its consequences. It should be considered whether alternative, less severe penalties could be equally effective.
- 7) Legal Certainty and Stability. The higher education system must maintain legal certainty and stability. Excessive or arbitrary annulment of diplomas could undermine public trust in the education system.

Considering these factors, the decision to annul a higher education diploma due to academic dishonesty must be made on a case-by-case basis, carefully evaluating all relevant circumstances while ensuring compliance with the principles of legality and proportionality. Such decisions must not be automatic but should be based on an objective and thorough investigation, with the right to appeal.

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