

*** DRAFT - NOT YET FILED ***

3332-1-18

Complaint procedure.

- (A) The state board of career colleges and schools is given the authority under section 3332.091 of the Revised Code to investigate any complaint, submitted in writing, by any person adversely affected by the actions of a certificate holder. Complaints must be submitted within six months after the violations allegedly were committed. In addition, the board may, upon its own initiative and independent of the filing of any complaints, conduct a preliminary investigation relating to any possible violations of ~~section 3332.09~~ Chapter 3332. of the Revised Code.
- (B) The executive director or his or her designee, is therefore designated by, and on behalf of the board, to resolve complaints and enforce the provisions of the statutes and rules of the board.
- (C) The executive director will submit to the board, at each meeting, a list of the number of complaints currently under investigation. School and complainant names currently under investigation will not be disclosed during public board meetings.
- (D) If deemed necessary, the executive director may request the board to review a complaint for its recommendations. In such cases, all documentation pertaining to the nature and status of the complaint will be presented before the board by the executive director and/or his or her staff designee.
- (E) While the board will normally investigate only signed complaints, the board reserves the right to act upon any anonymous complaints which indicate the possibility of violations of the statute or rules of the board.
- (F) Upon receipt of a written complaint, it will be reviewed by the executive director or his or her designee to determine if the board has jurisdiction in the matter.
- (G) If it is determined that the board does not have jurisdiction in the matter, the complainant will be promptly notified of that determination.
- (H) If it is determined that the board has jurisdiction in the matter, the complaint will be assigned to the appropriate person to initiate a preliminary investigation into the matter. A copy of the complaint will normally be forwarded to the school for its review and response, and the complainant will be notified of this action.
- (I) If it is determined after a preliminary investigation that it is not probable that violations were committed, the complainant will be notified of this determination and the case will be closed.

- (J) If it is determined after a preliminary investigation that it is probable that violations were committed, the executive director or his or her designee shall endeavor to eliminate such violations through informal means of conference, conciliation, and persuasion. Nothing said or done during these endeavors shall be disclosed by any member of the board or its staff, or be used as evidence in any subsequent proceedings.
- (K) If after such investigation and conference, the board is satisfied that such violations will be eliminated, the board will treat the complaint as conciliated, and entry of such disposition shall be made in the records of the board. At that time the complainant will be notified.
- (L) The executive director, on behalf of the board, may also enter into consent agreements or corrective action plans with registered schools in order to ensure that any potential violations have been eliminated and to ensure that any potential violations will not occur in the future. All consent agreements and corrective action plans that are entered into by the board will be considered public records.
- (M) If the board fails to effect the elimination of such violations or fails to obtain voluntary compliance with the statute or rules of the board, the board may issue a formal complaint to the holder of a certificate of registration of the school under investigation and proceed pursuant to the provisions of section 3332.091 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3332.031
Rule Amplifies: 3332.091
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