

392-5-.06 Student Complaint Process.

(a) Any person/student claiming damage or loss against an institution subject to the regulation of NPEC may file a verified complaint with the executive director after going through the complaint process published by the institution. The Complaint must contain a detailed description of the claim, including dates, times, and full names of all involved. Verification means that the complaint must be signed by the student/person filing the complaint and notarized and state that the matters set forth in the complaint are true and correct.

(b) The complaint shall be investigated by the appropriate Standards Administrator (SA). The SA shall attempt to resolve the complaint between the institution and the student. If the complaint can not be resolved, the SA will issue a decision and inform each party that either has a right to request a hearing in writing before the Executive Director within 10 days of receipt of the SA's decision.

(c) The Executive Director may set a date and time for a hearing which shall be delivered to both parties by certified mail. This hearing shall be recorded and conducted pursuant to the Georgia Administrative Procedures Act.

(d) After hearing all the evidence, the Executive Director shall issue an order to both parties finding (1) no violations of NPEC's rules and regulations, (2) that the institution must cease and desist from actions that violate NPEC's rules and regulations, (3) that the student(s) is entitled to full or partial restitution for any damage or loss or (4) any penalty provided for in 20-3-250.21.

(e) Alternatively, the Executive Director may refer any request for a hearing to the Office of Administrative Hearings (OSAH). The Administrative Law Judge (ALJ) appointed by OSAH will hear the matter and issue a decision in a timely manner.

(f) If any party is not satisfied with the decision of the Executive Director or OSAH, either party may appeal to the full Commission. If OSAH has made the decision, the Executive Director also has the right to appeal it to the Commission. All appeals must be in writing and sent to NPEC by certified mail within 10 days of the initial decision. If the appeal is not filed within 10 days of the decision, the decision will become final.

(g) The full Commission will review any appeal at its next regularly scheduled meeting and issue a final decision within a reasonable time thereafter. Any party aggrieved with a final decision of the Commission may appeal it to Superior Court pursuant to O.C.G.A. § 20-3-250.16.

Authority O.C.G.A. Secs. 20-3-250.5, 20-3-250.14 to 20-3-250.16 and Standard 10: Complaint Procedures (Minimum Standards and Criteria-NPEC). **History.** Original Rule entitled "Student Complaint Process" adopted. F. Nov. 4, 2008; eff. Nov. 24, 2008.