

Reglamento para el Licenciamiento de Instituciones de Educación Superior de Puerto Rico Núm. 8265 de 2012

Capítulo VII Querellas

Procedimiento Vigente

Artículo 52-Quien las puede presentar

Cualquier persona afectada por una acción de una institución de educación superior que constituya violación al Plan de Reorganización Núm. 1, o al Reglamento de Licenciamiento de Instituciones Postsecundarias de Puerto Rico o a los términos de una licencia otorgada por a JIPPR, podrá presentar una querella ante el mismo. La querella se debe presentar por escrito, en original y copia, firmada bajo juramento ante un notario público por el/los querellantes(s). Este procedimiento de querellas no es aplicable a disputas de índole laboral entre el personal docente o no docente y la institución, o entre estudiantes y profesores por asuntos tales como evaluación de labor académica, o inconformidad con calificaciones y otros de igual naturaleza. Previo a la radicación de una querella, el querellante debe agotar los procesos disponibles para la solución de disputas, quejas o agravios, establecidos en los reglamentos y normas de la institución querellada.

Artículo 53-Requisitos de forma y contenido

El escrito y los documentos que se presenten por la parte querellante, deben cumplir con los siguientes requisitos de forma y contenido:

1. Toda querella debe indicar el nombre y apellidos, la dirección postal y residencial, y el número de teléfono del querellante. Si se trata de más de un querellante, debe incluir la información de cada uno, según corresponda.
2. Debe, además, contener una exposición clara y concisa de los hechos en que se basa, así como la indicación específica de la(s) disposición(es) de ley o reglamento, o termino(s) de la licencia cuya violación se imputa.
3. La parte querellante debe indicar que medidas o gestiones ha efectuado ante la institución imputada relacionadas con los hechos sobre los que basa la querella, incluyendo acciones ante funcionarios y foros internos de la institución y otros foros administrativos y judiciales.

Artículo 54-Procedimiento

Sección 54.1-Notificación o la parte querellada

Al recibir una querella debidamente sometida, la JIPPR notificará al principal funcionario ejecutivo de la institución querellada mediante el envío de copia de la querella y requerirá que en el término de treinta (30) días a partir del recibo de la notificación presente su contestación a la misma. De no contestar en el término concedido, se considerarán como aceptadas por la institución las alegaciones planteadas en la querella notificada y se procederá de acuerdo con el Artículo 55 de Reglamento para el Licenciamiento de Instituciones de Educación Superior de Puerto Rico, Núm. 8265 de 2012. Es deber de las partes notificar por escrito a la JIPPR y a las demás partes involucradas con copia de cualquier comunicación o documento que se produzca durante el proceso de querella.

Sección 54.2-Investigación

Si el Consejo lo estima necesario, puede conducir su propia investigación y requerir información adicional a las partes.

Artículo 55-Determinación del Consejo

Sección 55.1-Archivo de la querella

Si a juicio del Consejo la querella no tiene mérito, lo notificará a las partes y procederá al archivo de la misma.

Sección 55.2-Mediación entre las partes

Si a juicio de la JIPPR la querella procede, pero no constituye causa suficiente para afectar el estatus de la licencia de la parte querellada o para tomar alguna otra acción contemplada en el Plan de Reorganización Núm. 1 o por el Reglamento para el Licenciamiento de Instituciones Postsecundarias de Puerto Rico, la JIPPR podrá, a su discreción, actuar como agente mediador entre las partes para tratar de que se remedie la situación que motivo la querella.

Sección 55.3-Acción contra la institución

Si a juicio de la JIPPR la querella es meritoria lo notificará a las partes concluyendo así el trámite de la querella. El Consejo iniciará el procedimiento que sea necesario de conformidad con los hechos planteados y las disposiciones que sean aplicables conforme al Plan y el Reglamento. La determinación por el Consejo de que una querella es meritoria conllevará la imposición a la institución querellada del pago de un cargo de mil dólares (\$1,000.00).

ATTACHMENT 7

Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012

CHAPTER VII - COMPLAINTS

ARTICLE 52- WHO MAY PRESENT COMPLAINTS

Any individual affected by an action of a Higher Education institution that constitutes a violation to Reorganization Plan Number 1, of July 26, 2010, as amended, Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012, or to any of the terms of a license granted by the Puerto Rico Council on Education (PRCE), may file a complaint before the PRCE. The complaint must be filed in writing, in original and copy thereof, signed under oath before a public notary by the complainant(s). This complaints procedure is not applicable to labor related disputes between academic and non-academic staff and the institution, or between students and faculty for such matters as academic work evaluation, disagreement with grades and others of equal nature. Prior to filing a complaint, pursuant to this Regulation, the complainant must exhaust the available procedures for the settlement of disputes, complaints or grievances, set forth in the rules, regulations and norms of the respondent institution.

ARTICLE 53- FORM AND CONTENT REQUIREMENTS

The written complaint and documents filed by the complainant must adhere to the following requirements of form and content:

1. All complaints must indicate the first and last names, mailing and residential address, and telephone number of the complainant. If there is more than one complainant, the information of each one must be included, as appropriate.
2. It must also contain a clear and concise statement of the facts on which it is based, as well as the specific indication of the provision(s) of law or regulation or term(s) of the license whose violation is imputed.
3. The complainant must indicate what measures or steps it has taken before the imputed institution related to the facts on which the complaint is based, including actions before institution officials and internal forums, and other administrative and judicial forums.

ARTICLE 54- PROCESS, Section 54.1- Notice to Respondent Party

Once a duly submitted complaint is received, the PRCE will notify the chief executive officer of the respondent institution by mailing a copy of the complaint and, upon thirty (30) days of acknowledgment of receipt, will require response to it. If no response is received within the time granted, it will be considered as acceptance by the Institution of the allegations included in the complaint and actions will be taken pursuant to Article 55 of Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012. It is obligation of the parties to

notify the PRCE and other parties involved in writing with a copy of any communications or document generated during the complaint process.

Section 54.2- Investigation

If the PRCE so deems it necessary, it may conduct its own investigation and require additional information of the parties.

ARTICLE 55- COUNCIL DETERMINATION,

If the PRCE deems that the complaint is without merits, it will notify the parties and it will proceed with the filing of the complaint.

Section 55.2- Mediation between the Parties

If the PRCE so deems that the complaint is admitted, but that it does not constitute sufficient cause to affect the status of the license of the respondent party, or to take any other action contemplated in Reorganization Plan Number 1, of July 26, 2010, as amended, or according to Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012, the PRCE may, at its sole discretion, act as a mediator between the parties to attempt that a remedy is pursued regarding the situation that motivated the complaint.

Section 55.3- Action against the Institution

If the PRCE so deems that there are merits to the complaint, it will notify the parties thus concluding the complaint procedure. The Council will initiate the necessary process pursuant to the facts stated and the applicable provisions according to Reorganization Plan Number 1, of July 26, 2010, as amended and Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012. The determination by the PRCE that there are merits to the complaint will result in the assessment of one thousand dollars (\$1,000.00) fine on the respondent Institution.

The record of complaints adjudicated against an institution will be considered by the PRCE when setting the duration of the renewal license pursuant to provisions set forth in Section 16.4 of Regulation for the Licensing of Institutions of Higher Education in Puerto Rico, No. 8265 of 2012.



GOVERNMENT OF PUERTO RICO

Puerto Rico Council on Education

HIGHER EDUCATION COMPLAINT FORM

STUDENT INFORMATION

Full Name: Last First M.I. Date:

Address: Street Address Apartment/Unit #

City State ZIP Code

Phone: Cell Phone:

Work Phone: Email:

Program of Study: Date of Attendance:

How do you prefer we contact you?

- Home Work Cell Email

Institution Information

Institution Name:

Institution Address:

City: State: Zip code:

Complaint Information

1. Did you follow the institution's grievance procedures to resolve your complaint? Yes No If no, please explain:

2. How did you contact the Institution? Phone call In Person Letter E-mail other

Who did you contact? (List all the name and title)

Two horizontal lines for listing contact names and titles.

3. Have you filed this complaint with other agency or organization? Yes No

If yes, give the agency or organization name:

4. Do you have an attorney? Yes No Name: _____

5. Please attach a statement describing the nature of the complaint. The statement should include a description of the events or circumstances upon which the complaint is based and all the supporting documentation for your complaints must be attached. Specify any pertinent dates, staff you dealt with, monies owed balances due, etc.

The information you provide will be used in efforts to resolve your complaint and will be shared with the institution. By submitted this complaint, you are giving the Puerto Rico Council on Education to contact the schools officials to discuss a possible resolution to your complaints.

Signature of Complainant: _____ Date: _____

I, _____ a notary public in and for said state do hereby certify that _____, Whose name is signed to the writing above, has this day acknowledge the same before me.

Given under my hands this _____ day of _____, _____.

Notary Public

Stamp

PRCE Use Only

Date: Received:

PRCE Jurisdiction: Yes No

Classification of Complaint: AC Adm. Fin FA other

Send Information

Mail or Fax complaints with the associated documents to:

**Puerto Rico Council on Education Director
Po Box 19900
San Juan, PR 00910-1900
Fax: (787) 641-2562**