RCW 28B.85.090 Complaints concerning unfair business practices—Online learning—Council must investigate—Penalties. (1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees; other loss or injury due to misrepresentation of educational programs, accreditation, support for or statistics relating to job placement, or measurements of student debts and earnings; and other unfair business practices. The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.095 and 28B.85.100. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

(4) The council shall determine the manner by which any nonpublic, for-profit online institution of higher education offering online distance learning and serving students in Washington shall prominently disclose students' rights, including how students may contact the council to file a complaint, on appropriate websites and in promotional materials distributed and made available to students in Washington. The council may not delegate or otherwise agree to defer investigation or resolution of complaints filed by students who are residents of Washington state and enrolled in institutions of higher education authorized by Washington state to another state where the institution of higher education is headquartered or incorporated. [2025 c 82 s 4; 2018 c 203 s 3; 2012 c 229 s 550; 1989 c 175 s 82; 1986 c 136 s 9.]

Findings—2025 c 82: See note following RCW 28B.85.250.

Finding—Intent—2018 c 203: See note following RCW 28B.85.095.

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Effective date—1989 c 175: See note following RCW 34.05.010.