

## What is an Alternative Resolution?

Generally, in response to a complaint, the Title IX Office or the Discrimination Prevention Office (collectively, the “Responding Office”) can do a “Formal Investigation” or “Alternative Resolution.” Alternative Resolution is a way of resolving a matter without Formal Investigation. The Responding Office has the final authority to decide whether a matter will proceed to Alternative Resolution or Formal Investigation.

### HOW DOES IT WORK?

Someone reports a matter to the Responding Office. The Responding Office does an initial assessment of the facts, keeping in mind the health and safety of the UCLA community.

During its initial assessment of the information reported and available facts, the Responding Office will decide whether the matter is **a)** appropriate for the Responding Office to handle, **b)** appropriate for closure or referral without further action by the Responding Office, or **c)** appropriate for Alternative Resolution. .

### ALTERNATIVE RESOLUTION – WHAT IS IT?

After an initial assessment, an Alternative Resolution may include, but is not limited to, mediation (except in cases of sexual violence), separating the parties, safety measures, counseling, targeted education and training, a written agreement (such as a settlement agreement), an outcome letter documenting that there was a complaint alleging prohibited conduct and what happened as a result of that report, or other action taken to eliminate the conduct, prevent its recurrence, and/or address its effects.

An Alternative Resolution may involve consultation with other offices. It may also include follow-up by the Responding Office, or others, to complete the process.

Both Complainant and Respondent may be accompanied by an Advisor during the Alternative Resolution process.

### WHEN IS ALTERNATIVE RESOLUTION APPROPRIATE?

If the Responding Office determines that a report alleges a policy violation, the conduct may be addressed through an Alternative Resolution or Formal Investigation. There are three contexts in which an Alternative Resolution may occur:

- Alternative Resolution with participation of both Complainant and Respondent.
- Alternative Resolution with participation of Complainant or Respondent only.

- Alternative Resolution without the participation of either party.

Alternative Resolution can be useful for several reasons, including when a report is made anonymously; when a report is made by a third party; when a formal investigation is not likely to lead to an appropriate, effective, or satisfactory outcome (when the matter can be resolved immediately without the need for additional factual inquiry, or for other reasons); or when both parties prefer an informal process.

The Responding Office makes the decision about whether to proceed with an Alternative Resolution, and may consult with others in making this decision. For example,

- in faculty matters, Deans, Equity Advisors, Program Directors, and senior administrators;
- in staff matters, department heads and Campus Human Resources, and UCLA Health Human Resources;
- in student matters, the Dean of Students.

If the Complainant or Respondent requests that no Formal Investigation occur, the Responding Office will consider this. But, the Responding Office will also consider whether the allegations nonetheless require a Formal Investigation to address apparent risks to the campus community. In deciding whether to proceed to a Formal Investigation, the information the Responding Office might consider includes, but is not limited to:

- the seriousness and/or frequency of the alleged conduct, the effect on the campus community,
- the ability to gather information, including witness statements,
- whether the conduct is part of a pattern of ongoing conduct or is likely to happen again, and
- the Complainant's request for confidentiality and the extent to which information in a Formal Investigation may need to be shared with Respondent. For example, if a Complainant wishes to remain anonymous, that may limit the Responding Office's ability to engage in a thorough Formal Investigation.

An Alternative Resolution generally does not include a formal finding of responsibility under the Sexual Violence and Sexual Harassment Policy or other University policies.<sup>1</sup>

If possible, an Alternative Resolution culminates in an arrangement agreed upon by the parties. However, when appropriate, the Responding Office may impose measures pursuant to an Alternative Resolution that do not require the consent of both parties.

#### IS A FORMAL INVESTIGATION STILL POSSIBLE AFTER ALTERNATIVE RESOLUTION?

The Responding Office will make the final decision whether to conduct a Formal Investigation or Alternative Resolution. If Alternative Resolution proves unsuccessful, the Responding Office may proceed with a Formal Investigation.

Before the Responding Office finalizes an Alternative Resolution, the Responding Office may decide to terminate the Alternative Resolution and proceed to Formal Investigation.

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<sup>1</sup> An Alternative Resolution is available to ensure the Responding Office can take appropriate action in response to reports of prohibited conduct. Failure to comply with a no-contact order or any order of exclusion that arises from an Alternative Resolution may constitute prohibited conduct and an additional violation of our Sexual Violence/ Sexual Harassment policy or other University policies.