



## **Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours**

### **Appendix B      Stage 2: Alternative Resolution**

## KEY INFORMATION

- This Alternative Resolution Procedure applies only to students. It does not apply to cases where a non-student is either the Complainant or the Respondent.
- It should normally be used to handle allegations of behaviour that may constitute a breach of the Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours but which are not considered sufficiently serious to warrant possible disciplinary action. It provides an alternative means of resolving and moving forward from a matter.
- Before operating this Stage of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours, please ensure you have read and familiarised yourself with the Policy and its principles, as well as Appendix A Stage 1 Disclosure Procedure.
- Please also ensure you have read through the Disclosure Report Form as soon as possible in the event of operating this Stage of the procedures, and in all cases, before commencing any investigation into allegations raised. Where Alternative Resolution has been proposed, this should be recorded in the Disclosure Report Form.
- Alternative Resolution will not be viable in all circumstances, nor will it necessarily be appropriate. It will only work if both the Complainant and the Respondent genuinely wish to entertain trying to resolve the matter via this means. The process can involve, but does not require, both parties meeting.
- Where the Disclosure Investigation Officer believes that Alternative Resolution may be appropriate and potentially viable, they should explore this option with the Complainant first. Care should be taken not to push any party into Alternative Resolution, as this will undermine the process and likely lead to it failing.
- Complainants should be offered a reasonable timeframe to consider the option of Alternative Resolution, where this is proposed as an option by the Disclosure Investigation Officer. Similarly, where it has been determined that a Complainant wishes to attempt Alternative Resolution, a reasonable timeframe, with relevant non-judgemental support, should be afforded to the Respondent to consider this option.
- This process will be managed by an Alternative Resolution Facilitator. The Disclosure Investigation Officer may assume the role of Alternative Resolution Facilitator, or they may ask the Academic Director/CEO to appoint another person to act in this role. The Facilitator coordinates the development of proposed conditions.
- Ensure the Complainant understands that the Disclosure Investigation Officer will seek to act as far as possible in accordance with their wishes, but that they may find that action needs to be taken which is not ultimately in accordance with the preference of the Complainant. In the event of Alternative Resolution being attempted but ultimately being unsuccessful, the Disclosure Investigation Officer may take into account any relevant information that came to light during the course of the Alternative Resolution Procedure.

## Good practices for staff managing this procedure

- It is good practice to ensure that:
  - proactive steps are taken to avoid the Complainant having to make repeated disclosures in the course of Alternative Resolution, as this can cause stress and distress, and in extreme cases, trauma;
  - flexibility and time should be given to a Complainant before they agree to any actions proposed. It is helpful to share a draft version of the Disclosure Report Form for information and agreement and to allow a reasonable time-period for the Complainant to have time to reflect and consider any proposed actions. It is usual for Complainants to have lost agency in the issue of disclosure, therefore it is important to afford them agency in this process;
  - the Complainant understands what information (as is recorded on the Final Disclosure Report Form) will be shared with a Respondent and what ;
  - the Complainant understands that a Respondent must receive all information for which they may be expected to answer to;
  - the Complainant has signed off the accuracy of any information reported by them as recorded on the final Disclosure Report form, so that the Disclosure Investigation Officer is clear about what the Complainant is comfortable sharing.
- Please ensure the Disclosure Report Form is fully completed. In the course of operating this procedure, you may find it useful to refer to the following sections of the Policy:
  - Definitions
  - Scope and principles of this Policy and its procedures
  - Management of cases under this Policy'
  - Written and Oral representations: Notification of Legal Implications
  - Outcomes of cases
  - Right to choose action, or withdraw a complaint/allegations

## Overview

### 1. Scope of the Alternative Resolution Process

The Stage 2 procedures under the Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours, the 'Alternative Resolution' process, apply only to cases involving both student complainants and student respondents.

### 2. What is Alternative Resolution?

Alternative resolution provides an opportunity, should the Complainant wish, to have the complaint/allegations raised with the Respondent and a mutual agreement reached about future

conduct, as an alternative means of finding a resolution to the matter without necessarily referring allegations under the Non-Academic Misconduct Policy.

It is an important underpinning tenet of Alternative Resolution that rather than establishing any fault, all parties concerned accept that something has occurred which has created a problem between a Complainant(s) and a Respondent(s), and there is an opportunity to resolve this without resorting to formal misconduct (or other) procedures. All parties must be open to finding a way to move forward from this by coming to an agreement about how they can all move forward.

### **3. Purposes of Alternative Resolution**

This process offers a relatively swift opportunity for all parties to move forward that removes the barrier for a Complainant of 'not wanting to get another student into trouble'. It is procedurally unbureaucratic and is a way of creating a mediated agreement about future conduct for all students concerned.

### **4. When Alternative Resolution may/may not apply**

IFG recognises that cases involving allegations of behaviour that breach the Policy are frequently complex, and that Complainants will have differing needs, including whether or not they wish to take the matter further under formal misconduct procedures. This stage of the procedure may be offered to a Complainant where the Disclosure Investigation Officer deems it appropriate (for very serious allegations it may not be appropriate to offer alternative resolution). Alternative resolution will not therefore automatically be offered in every case.

It is a fundamental principle of this Policy and its procedures that action taken under this Policy should be fair, rigorous, proportionate and conducted with a sound understanding of the needs and wishes of a Complainant, giving the Complainant agency as far as is reasonable. Therefore, where they deem Alternative Resolution as a viable and appropriate potential means of resolving the case, the Disclosure Investigation Officer will first explore this with the Complainant. At the same time, it is essential to ensure that the presumption of innocence is maintained where a Respondent disputes allegations made against them.

Where the Respondent disputes allegations against them, Alternative Resolution will not normally be a feasible option because for it to work, both parties have to come to an agreement to draw a line under what has happened and to go forward by working within the bounds of that agreement and any conditions that both parties are signed up to as part of that agreement. It is highly unlikely that such agreement could be reached if both parties are in dispute about allegations.

### **5. Principles of Alternative Resolution**

The following principles underpin this Alternative Resolution Procedure:

**a) No Formal Findings**

- Alternative resolution is not an investigatory or disciplinary process.
- There is no determination of guilt or innocence; it is a means of reaching mutual understanding or agreement to enable everyone to move forward. This does mean that matters necessitating the use of the Alternative Resolution Procedure may be discussed with a view to acknowledging any issues as necessary in order to move forward, but the process is not about fault-finding.
- The process must be structured, with clear stages and expectations.
- The scope and limits of the process must be defined (e.g. what it can or cannot achieve) before it commences.

**b) Focus on Future Conduct and Outcomes**

- The aim is to resolve the issue and prevent recurrence, often through agreements about behaviour, boundaries, or communication.
- Agreements may include practical arrangements (e.g. avoiding contact, adjusting shared spaces) or commitments to respectful conduct.

**c) Voluntary Participation**

- Alternative resolution must be voluntarily agreed to by both the Complainant and the Respondent.
- The prospect of Alternative Resolution will always be explored first with Complainants before approaching any Respondents with the prospect.
- Where a case involves more than 1 Complainant and/or more than 1 Respondent, some parties may voluntarily enter into Alternative Resolution even where not all parties agree (eg where there are 2 Complainants and 1 Respondent, 1 Complainant and the Respondent may enter into Alternative Resolution even where the other Complainant does not wish to pursue this, provided that the Disclosure Investigation Officer is satisfied this is appropriate and proportionate action to take).
- Neither party should be compelled to engage, and either may choose to withdraw at any stage – in this event, the Alternative Resolution process will be deemed unsuccessful and will be closed, and the Disclosure Investigation Officer will make a new decision about what action – if any – should be taken.
- Participation in this process will never be imposed upon a Complainant or a Respondent, nor used as a pre-condition for accessing formal complaints or disciplinary routes.

**d) Informed Choice**

- All parties must understand the purpose, process, implications, and potential outcomes before agreeing to participate.
- Information must be shared in an accessible and non-coercive way, including the option to seek advice or support.

#### **e) Impartial Facilitation**

- The facilitator (e.g. Disclosure Investigation Officer, mediator, trained staff member) must be neutral, trained, and independent of the academic assessment of the individuals involved.
- There must be no conflict of interest.

#### **f) Fair and Safe Process**

- The process should support psychological and procedural safety—particularly in cases involving trauma or imbalance of power.
- Parties should be able to access support (e.g. a support person or adviser), and adaptations should be made for accessibility or wellbeing needs.

#### **g) Confidentiality**

- Confidentiality is a cornerstone of the process. It encourages open dialogue and protects the privacy of individuals.
- Exceptions apply in limited circumstances (e.g. legal obligations, safeguarding concerns, or serious risks to others).

#### **h) Timely Resolution**

- Alternative resolution should be offered and completed promptly, typically within the broader timeframe of IFG's disciplinary or complaints procedures.

#### **i) Documented but Not Punitive**

- Agreements will be documented internally for clarity of information about what has agreed, and will be used in monitoring, but are not and will not be treated as disciplinary sanctions.
- A record of an agreement may become relevant if breached, potentially triggering formal disciplinary (or other e.g. Support To Study) processes.

## **6. Potential outcomes for Alternative Resolution**

Outcomes from Alternative Resolution can include:

- Mutual agreements on conduct or communication.
- Behavioural expectations.
- Mediation or restorative discussions.
- No-contact arrangements (where reasonable and proportionate).
- Relevant training/Educational action
- Offers of support or adjustments for either party.

This list of outcomes is not exhaustive, and in the event that during the Alternative Resolution Process an outcome is proposed that does not fall into one of the above categories, and is identified in the Alternative Resolution process as being something that both parties are seeking to agree to, it is at the discretion of the Alternative Resolution Facilitator as to whether this is an appropriate resolution.

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## **Alternative Resolution Process: Alternative Resolution by Agreement**

### **7. Initial steps**

Alternative Resolution by Agreement offers an opportunity for the Complainant and Respondent to agree to conditions that will help both parties to move forward (e.g. a recognition on the part of the Respondent about their behaviour, with a commitment to behave differently in future; conditions that limit students' interaction with each other).

No findings will be made or formal judgment reached about what has taken place. The purpose of Alternative Resolution is to attempt to reach a position of resolution from which all parties can move forward.

Where the Disclosure Investigation Officer deems Alternative Resolution might be an appropriate measure to take in order to resolve a case arising between student complainants and student

respondents, it must first be established whether this is something the Complainant is open to. At the discretion of the Disclosure Investigation Officer therefore, Alternative Resolution may be offered to a Complainant as a possible way forward.

*Where both Complainant and Respondent indicate willingness to participate in Alternative Resolution*

Where the Complainant confirms they would like to pursue Alternative Resolution and the Respondent is willing to pursue Alternative Resolution, the Disclosure Investigation Officer should either:

- a) Assume the role of Alternative Resolution Facilitator, or
- b) ask the Academic Director/CEO to appoint another person to act in this role.

The Alternative Resolution Facilitator (e.g. Disclosure Investigation Officer, mediator, trained staff member) must be neutral, trained, and independent of the academic assessment of the individuals involved. There must be no conflict of interest in them performing this role.

*Where Complainant indicates willingness to participate in Alternative Resolution, but Respondent declines this opportunity*

Where the Complainant confirms they would like to pursue Alternative Resolution but the Respondent declines to participate:

- the process shall not take place;
- the Complainant shall be informed accordingly, and
- the Disclosure Investigation process shall re-open to allow the Complainant to reconsider their options and preference with regard to next steps.

The final decision as to what action – if any – should be taken lies with the Disclosure Investigation Officer.

## Procedure

### *Step 1: Agreement in Principle*

As part of their Disclosure Investigation, the Disclosure Investigation Officer will determine whether Alternative Resolution by Agreement might be offered, in consultation with the Complainant about whether they might wish to proceed in this way. The Disclosure Investigation Officer and Complainant shall form an 'agreement in principle' that Alternative Resolution by Agreement may be offered.

However, this agreement in principle does not guarantee that it will be offered; it depends on the circumstances of the case and the Respondent's agreement to this course of action. The final decision rests with the Disclosure Investigation Officer.

With the agreement of the Complainant, the Disclosure Investigation Officer will contact the Respondent to offer Alternative Resolution by Agreement. This may be done through a meeting or by correspondence.

Where the Respondent agrees to the process, the Disclosure Investigation Officer may assume the role of Alternative Resolution Facilitator, or they may ask the Academic Director/CEO to appoint another person to act in this role.

### ***Step 2: Alternative Resolution Facilitation***

The Alternative Resolution Facilitator coordinates the development of proposed conditions. These conditions may be amended slightly to reach an agreement.

Alternative Resolution by Agreement does not require both parties to meet. The Alternative Resolution Facilitator will use their judgement, liaising as necessary with the Disclosure Investigation Officer if this is a different person, to determine whether any meeting would be helpful and appropriate. However, the entire process can be conducted via correspondence, or via individual meetings with the Complainant and Respondent; whatever the Alternative Resolution Facilitator deems will be most conducive to achieving Alternative Resolution. In reaching this decision, the Alternative Resolution Facilitator will take into account:

- The Disclosure Report Form
- Any express wishes and/or circumstances of the Complainant
- Any express wishes and/or circumstances of the Respondent
- Whether there are institutional arrangements or other circumstances that naturally place the Complainant and Respondent together

Where any meeting does take place, the Alternative Resolution Facilitator will ensure that any party invited to any meeting as part of this process is given the opportunity to attend with someone for support. This is the case whether the meeting involves both Complainant(s) and Respondent(s) or whether the Facilitator is meeting them on an individual basis. In the event of the Facilitator meeting any party, a notetaker should be present to support the Facilitator.

### ***Step 3: Formal record of the process and Agreement***

A written record will be produced and signed off by the Alternative Resolution Facilitator that includes:

- A summary of the Alternative Resolution process following
- A record of all persons involved in the Alternative Resolution Process
- Any considerations that were taken into account in determining how the process was conducted
- Whether Alternative Resolution by Agreement was successfully achieved
- The specific Agreement that all parties are signed up to

A draft of what has been agreed to by all parties will be circulated to all participants in the Alternative Resolution Process for confirmation that this is what has been agreed. Where the Alternative Resolution Facilitator deems it helpful, they may include information where proposals were explored but not agreed to, for clarity and record purposes.

## **Outcomes**

### ***Where Agreement is reached:***

Provided both Complainant(s) and Respondent(s) concerned reach Agreement as to the way all parties will move forward, Alternative Resolution will be deemed to have been successfully achieved. One or more of the following outcomes may be agreed to:

- Mutual agreements on conduct or communication.
- Behavioural expectations.
- Mediation or restorative discussions.
- No-contact arrangements (where reasonable and proportionate).
- Relevant training/Educational action
- Offers of support or adjustments for either party.

This list of outcomes is not exhaustive, and in the event that during the Alternative Resolution Process an outcome is proposed that does not fall into one of the above categories, and is identified in the Alternative Resolution process as being something that both parties are seeking to agree to, it is at the discretion of the Alternative Resolution Facilitator as to whether this is an appropriate resolution.

Where Agreement has been achieved, a record of the Agreement will be held in each party's individual institutional file, as well as centrally, but is not formally recorded as a breach of this or any other policy on the part of a Respondent. However, a breach of the agreement by any party may result in referral under the Non-Academic Misconduct procedures.

### ***Where Agreement is not reached:***

Where no resolution can be reached under this process, the Disclosure Investigation Officer will determine next steps, which may include:

- No further action;
- Referral to the Non-Academic Misconduct Panel;
- Referral into another institutional process as appropriate (e.g. Support To Study);
- Referral to external support/party.

Where Agreement has not been achieved, the Alternative Resolution Facilitator will forward a copy of the written record to the Disclosure Investigation Officer (if this is a different person) and the Academic Director/CEO and the Disclosure Investigation Officer will determine the next steps in the case, liaising as necessary with the Complainant and/or Respondent before reaching a

decision. The Disclosure Investigation Officer may take into account any relevant information that came to light during the course of the Alternative Resolution Procedure in determining next steps.

The Facilitator's written record of the process will be circulated to all parties and held in each party's individual institutional file as well as centrally for record purposes.

### **Safeguarding concerns**

In the unlikely event that information comes to light during the Alternative Resolution Process that gives the Alternative Resolution Facilitator Safeguarding concerns about any participating student (including any concerns that fall within the scope of PREVENT), the Facilitator shall liaise with the Disclosure Investigation Officer (if this is a different person) and the Academic Director/CEO to determine whether it is still appropriate in the circumstances to proceed with the Alternative Resolution process. A risk assessment may be conducted as necessary to inform this decision.

In the event that the decision is that the process cannot continue, all parties will be informed that IFG has had cause to review the circumstances of the case and following this review has determined that Alternative Resolution was not appropriate. All parties should be supported as appropriate with regard to next steps, in line with the procedure above (see 'Where Agreement is not possible').