



Oakswood College

Empowering Through Education



Sexual Misconduct, Harassment & Unacceptable Behaviours

Alternative Resolution Procedure

PROMOTING EXCELLENCE • ENSURING COMPLIANCE
SUPPORTING OUR COMMUNITY



GOVERNANCE



QUALITY



COMPLIANCE



EXCELLENCE



APPENDIX B: Alternative Resolution Procedure

Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours

Review: Annual alongside the main policy

B1. Scope and Purpose

Alternative Resolution under the Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours applies only to cases where Complainants and Respondents are all students. It does not apply to cases where any party is not a student of Oakwood College.

This procedure sets out the process for resolving matters by means other than formal investigation, where all parties give informed consent that they are willing to attempt to find an alternative resolution to be able to move forward. Alternative resolution is intended to provide a quicker, less adversarial outcome where appropriate and where desired by a Complainant. It does not reduce the seriousness with which the College treats reported behaviour.

The Alternative Resolution 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.

B2. Principles underpinning the College's approach to 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.
- The process must be structured, with clear stages and expectations.
- The scope and limits of the process must be defined (eg what it can or cannot achieve).

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 acknowledgement of behaviours, practical arrangements (eg 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 (eg 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 (eg a support person or adviser) before, during and after the process as needed, and reasonable adjustments (eg adaptations to the process) will be made where needed.

g) Confidentiality

- Confidentiality is a cornerstone of the process. It encourages open dialogue and protects the privacy of individuals.
- Exceptions apply in limited circumstances (eg 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 the institution'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 College processes (eg Support Through Studies).

B2. When Alternative Resolution Is Appropriate

The Disclosure Investigation Officer may consider alternative resolution where the reported behaviour is at the lower end of the spectrum of conduct covered by the policy; both parties have the capacity to participate on a genuinely voluntary basis; there is no significant power imbalance between the parties that calls into question whether meaningful consent is possible; the behaviour does not appear to be part of a repeated pattern; there is no safeguarding concern; and both parties give and maintain informed consent throughout.

B3. When Alternative Resolution Is Not Appropriate

Alternative resolution will not be offered where:

- the reported behaviour includes any allegation of sexual assault, rape or conduct that may constitute a criminal offence;
- there is a significant power imbalance between the parties;
- the behaviour is repeated or forms part of an established pattern;
- a safeguarding concern is present;
- the person who experienced the behaviour does not wish to attempt alternative resolution or withdraws consent at any stage; or
- a previous attempt at alternative resolution in relation to similar behaviour by the same Respondent has been unsuccessful.

B4. Options Available

Alternative resolution may take one or more of the following forms, depending on what is appropriate in the circumstances.

- A facilitated conversation between the parties, conducted by a trained facilitator.
- Shuttle mediation, where a facilitator communicates between parties without them meeting directly.
- A written statement from the respondent acknowledging the impact of their behaviour.

- A written agreement setting out expected future conduct.
- Referral to awareness training or an educational intervention.
- Any other approach agreed by all parties and approved by the Disclosure Investigation Officer.

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.

B5. Consent and the Right to Withdraw

Participation in alternative resolution is entirely voluntary. Both parties must give informed consent before any process begins, and either party may withdraw their consent at any time and for any reason without adverse consequence. Where consent is withdrawn, the matter will be referred for formal investigation under Section 8 of the policy.

The Disclosure Investigation Officer will explain clearly to each party separately what alternative resolution involves, what the possible outcomes are, and that participation is voluntary, before consent is sought.

B6. Process

Where the Disclosure Investigation Officer determines that a matter is suitable for alternative resolution and both parties consent to attempt this, the following steps will be taken:

1. Either, the Disclosure Investigation Officer will act as the Alternative Resolution facilitator, or (eg for more sensitive cases) a facilitator will be appointed who has no prior involvement in the matter and no personal connection with either party.
2. The facilitator will meet separately with each party to understand their account and their desired outcome.
3. The facilitator will identify an approach that is acceptable to both parties and proportionate to the behaviour reported. This may include, for example:
 - a. a meeting where both parties are present together with the Facilitator for a mediated conversation aimed at reaching an agreement about how all parties move forward;
 - b. a meeting between the Facilitator and the Respondent setting out the wishes of the Complainant and any key messages they desire to be communicated, with the aim of reaching an agreement about how all parties move forward

4. The agreed approach will be implemented and the outcome recorded in writing.
5. The Disclosure Investigation Officer will follow up with both parties within four weeks of the conclusion of the process to confirm that the agreement is being observed.

B7. Record Keeping

A record of the alternative resolution process, the agreed outcome and any follow-up will be maintained by the College and retained in accordance with the College's data retention schedule for student records, after which it will be securely destroyed. Where a further report is made about the same Respondent, the record of the previous Alternative Resolution process will be taken into account if relevant.

B8. Where Alternative Resolution Is Unsuccessful

Where Alternative Resolution is attempted but breaks down, or the agreed outcome is not observed by any party involved, the Disclosure Investigation Officer will determine the most appropriate next steps, taking account of the wishes of the Complainant. Alternative Resolution is an 'in good faith, without prejudice' process, therefore the fact that Alternative Resolution was attempted will not prejudice either party in the event that the matter is referred into any formal procedures such as those under the Non-Academic Misconduct Policy.