

COMPLAINT RESOLUTION OPTIONS

This document explains the ways that UCR's Office of Civil Rights (OCR) may resolve employee reports and complaints of violations of the UC [Policy on Sexual Violence and Sexual Harassment](#) (SVSH Policy). The three main resolution options are formal investigation alternative resolution, and other inquiry.

SVSH Report Resolution Options for UCR Students and Employees

Office of Civil Rights (OCR) receives a report or complaint

Note: This chart simplifies complicated processes governed by the UC SVSH Policy. It does not show all steps and details. It does not apply to all cases. It does not show special process steps that apply to certain types of "Formal Complaints." OCR staff can explain the options and processes.

Note: OCR treats all reports as **confidential** and shares information only as necessary.

OCR provides Complainant with rights, options & resources. OCR attempts to conduct intake meeting with Complainant. Title IX Officer **assesses** available info to determine whether the report can be addressed under the SVSH Policy and the appropriate resolution option. **Complainant preferences, if known are very important.**

Option 1: Alternative Resolution

- Negotiated terms, all parties must agree
- Mostly for cases with only student parties

Option 3: Closure After Assessment

- OCR may take action to prevent reported conduct from continuing or recurring
- Matter may be referred to another process or campus office

Option 2: Formal Investigation

- To collect evidence and make factual findings
- Used when disciplinary action may be warranted against the Respondent
- In rare cases, a similar process called "other inquiry" may be used instead



Not all reports received by OCR result in a resolution process. A resolution process usually only happens with the participation of the Complainant, and UCR needs to have the jurisdiction to address the matter.

Some reasons why a report may be closed are:

- There is not enough of a connection between the alleged conduct and UCR—for example, typically UCR may only conduct a resolution process if the Respondent is a UCR student, employee or affiliate.
- The conduct alleged or reported is not covered (prohibited) by the SVSH Policy. This could be because UCR does not have jurisdiction as explained in the text box at the bottom of this page.
- The Complainant does not want a resolution process. (Please note that the Title IX Officer must review and confirm and in rare instances, is obligated to initiate a resolution process without the consent of the Complainant).

IMPORTANT NOTE: The SVSH Policy and UCR's jurisdiction are limited. The Office of Civil Rights resolution processes are most appropriate for matters that relate to current UCR students, employees (including volunteers, contractors/vendors, visitors, guests, and patients), and that occurred:

1. on UCR property
2. in connection with UCR employment or in the context of a UCR program or activity, or
3. off UCR property and outside a UCR program or activity but with continuing adverse effect on UCR property, program or activity.

Determining whether the Policy applies or whether or what process and measures may be used for a specific matter can be complicated; OCR staff can answer questions you have about this, or you may read the Policy to learn more.

If OCR does not conduct a resolution process, it will, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and supportive measures to the Complainant and providing targeted preventive education (including to the Respondent) and training programs.



I. FORMAL INVESTIGATION

A formal investigation process is a resolution process typically used when it may be appropriate or necessary to discipline a UCR student or employee. It is possible for disciplinary action to be agreed upon in an Alternative Resolution, but this is rare. Some types of investigations are referred to as “grievances.”

We rarely will conduct a formal investigation against the wishes of the Complainant. One situation in which we might have to do so, would be if the risk posed to the campus community or certain UCR people is too great.

UCR provides a fair, thorough and impartial investigative process, conducted by trained professionals. The purpose of the investigation is to make findings of whether the Respondent violated the SVSH Policy. Sometimes the investigation will also look into other types of policy violations, in addition to SVSH.

If an investigation is conducted, both (or all) parties have equal right to:

- meet with and be interviewed by the investigator
- submit information
- identify witnesses who may have relevant information
- propose questions for the investigator to ask the Respondent and witnesses (if the investigator considers them relevant)
- review and respond to evidence collected before the investigation report is completed
- receive a copy of the investigation report (with redactions as necessary to protect privacy rights)

UCR strives to complete investigations within 60 and 90 business days. If the investigation will go past 90 business days, you will be informed of the reason for the delay and the new deadline.



The investigation uses the Preponderance of the Evidence standard. This means the investigator and Title IX Officer consider, based on all relevant evidence, whether the Respondent more likely than not engaged in the alleged conduct, and if the conduct violated the SVSH Policy.

After the investigation is done, it is possible that UCR will hold a hearing on the case. Whether there will be a hearing depends on several factors, including the identity of the Respondent (that is, whether they are a student or a faculty or staff member), whether a party contests the findings (in some cases), and whether the procedure is covered by the 2020 Title IX Regulations. **An OCR staff member can help determine whether and under what circumstances there might be a hearing in your case**, or you may review the investigation and adjudication procedures for cases with [student respondents](#), with [staff respondents](#), or with [faculty or academic personnel respondents](#).

If there is a final determination of a policy violation, sanctions (e.g. discipline) may be imposed. If this happens, you will have the right to provide input on appropriate sanctions. Potential sanctions for violations of the SVSH Policy depend on whether the Respondent is a faculty member, student, or staff, but sanctions can range up to termination or permanent dismissal. Respondents may have separate (non-SVSH) complaint or grievance rights, if they are disciplined.

Your other rights in this process

Your rights throughout the investigation and adjudication process are fully described in the applicable investigation and adjudication procedure, and include the following:

- The right to have an advisor and a support person with you when you are interviewed, at any meeting, and during the hearing process, if any.
- The right **not** to participate in this process and to not have that decision held against you. If you choose not to participate in the investigation, for example, the investigation will proceed, and the investigator will reach findings based on the information available to them. However, the investigator may draw adverse inferences if you selectively participate in the process, such as choosing to answer some but not all questions posed; or choosing to provide a statement only after reviewing the other evidence gathered in the investigation.

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- The right to be interviewed by the investigator, and to provide them with evidence, suggest questions to be asked of the other party, and to suggest witnesses to be interviewed (subject to the investigator's determination of relevance).
 - If a hearing is held, the right to participate in a respectful, fair, productive, and orderly hearing and the right to be informed of the hearing officer's determination of policy violations and any resulting sanction.
 - Equal right of appeal, if applicable, on grounds permitted under the applicable investigation and adjudication procedure.

II. ALTERNATIVE RESOLUTION

Some complaints may be resolved through an Alternative Resolution (AR). An AR is most often used when both parties are UCR students, and an AR is not available in cases with a student complainant and an employee respondent.

An AR is a voluntary process in which both parties agree to specific terms that have been reviewed and approved by the Complaint Resolution Officer. An AR may be appropriate when a formal investigation seems unlikely to lead to a resolution. Participation in an AR is voluntary, meaning both the Complainant and Respondent must agree to participate and the process will end upon either party's request. Termination of the AR process may result in a Formal Investigation.

An AR may include, for example:

- separating the parties;
- a no-contact order;
- referring the parties to counseling;
- conducting targeted preventive educational and training programs.

Parties may be accompanied by an advisor throughout the process. **The AR process typically takes between 60 and 90 business days.**



III. OTHER INQUIRY

The final, least-common complaint resolution option is an inquiry. An inquiry may be used where there is some need for UCR to gather information and make findings regarding a report, but does not have the ability to discipline the respondent. An example of a situation where UCR might conduct an inquiry would be to address a complaint that a former UCR employee sexually harassed students or employees while they were an employee, particularly if there was concern that this person might seek to return to UCR employment.