

## Office of University Rights and Responsibilities

### Frequently Asked Questions

**Q: What is the role of the Office of University Rights and Responsibilities (OURR)?**

A: OURR Case Managers are neutral factfinders. As a result, they do not advocate for any Party, department, or college. They do not decide whether an ASU policy violation has been committed. Rather, a Case Manager gathers relevant evidence, which includes, but is not limited to, obtaining Party and witness statements as well as material documents. At the conclusion of an investigation, the Case Manager prepares factual findings, which are submitted to the appropriate University Authority who decides whether or not a policy violation has been committed. The University Authority also determines whether any further administrative action is warranted (e.g., may refer the matter to a department administrator for discipline consideration).

**Q: How long does it typically take for OURR to complete an investigation?**

A: OURR's Procedures note that an investigation will be completed as promptly as possible and, in most cases, within 90 calendar days of the date the investigation is initiated. If more time is necessary to complete the investigation, the OURR Case Manager will notify the relevant Parties. A number of factors can result in an OURR investigation taking longer than 90 days. For instance, time frames for completing investigations undoubtedly will vary due to the complexity, severity, and/or extent of the issues being investigated. An investigation could be delayed if certain Parties and/or witnesses are temporarily unavailable, e.g., because of a university break, vacation, medical leave, family leave, personal emergency, sabbatical, study abroad, or other legitimate reasons. A pending, corresponding criminal investigation could delay an investigation. Overall, an investigation may be extended beyond 90 days for good cause as necessary to ensure the integrity and completeness of the investigative process.

**Q: Is anonymity ever granted in an OURR matter?**

A: Occasionally, but not often. As a complainant might anticipate, a person being accused of violating University policy has a right to respond to an allegation or concern filed with OURR. Typically, the specific factual details in the allegation or concern will naturally reveal the identity of the complainant to the person accused. However, even when the identity of the complainant is not obvious from the content of the allegation or concern, OURR may be required by law, policy, or basic principles of fundamental fairness to share the identity of the complainant with the person accused.

**Q: Is there ever an option to resolve a concern or allegation without an investigation?**

A: Yes. OURR's Procedures note that some matters can best be resolved through training or education. Additionally, OURR's Procedures permit certain types of concerns and allegations, but not all, to be resolved through informal resolution. Informal resolution requires the agreement of all Parties and allows the Parties to consider a full range of possible appropriate outcomes.

**Q: What information does a Party receive at the end of an investigation?**

**A:** After the investigation has concluded and the Case Manager has submitted the factual findings to the appropriate University Authority, each Party involved in the investigation will receive a Determination Letter from the University Authority. The Determination Letter summarizes the factual findings and provides the University Authority's decision on whether ASU policy was violated.

### **Definitions**

**Case Manager:** Works in the Office of University Rights and Responsibilities, has a J.D., and has specialized training to conduct administrative investigations involving allegations of discrimination, harassment, retaliation, and other alleged violations under ASU policies ACD 401, ACD 402, ACD 405, and SPP 815.

**OURR Procedures:** The Office of University Rights and Responsibilities procedures are entitled P20: Prohibition Against Discrimination, Harassment, and Retaliation: Report and Investigation Procedure

**Party:** Person who was subjected to the alleged wrongful conduct, and also the person who is accused of engaging in the alleged wrongful conduct and violating University policy. For purposes of informal resolution, the University Authority is also considered a Party.

**University Authority:** University Provost; Executive Vice President, Treasurer and Chief Financial Officer; Senior Vice President for Educational Outreach and Student Services; Executive Vice President, ASU Knowledge Enterprise; Chief of Staff, Office of the President; or their designee