

## **Nondiscrimination and Anti-Harassment Complaint Procedure (Revised February 10, 2025)**

### **I. Determination of Applicable Policy and Procedure**

The Title IX (TIX) Coordinator or designee will review formal complaints of sexual misconduct to determine whether they are addressed appropriately under the university's Nondiscrimination and Anti-Harassment Policy or the university's Sexual Misconduct Policy. The Equity and Access Office (EAO) may use these procedures to address claims dismissed from the Title IX Sexual Harassment Procedure and/or which are otherwise violations of the Nondiscrimination and Anti-Harassment Policy (the "Policy").

### **II. Other Discrimination Reports**

Formal complaints of discrimination based on other protected categories including race, color, religion, sex (except as described above), national origin, age, disability, veteran status, sexual orientation (except as described above), gender identity and expression (except as described above), or genetic information will be addressed through these procedures, as will alleged violations of the Consensual Romantic or Sexual Relationships Policy.

### **III. Contact by EAO**

Upon receipt of a report of possible discrimination or a formal complaint, EAO will contact the individual(s) reporting or impacted by the circumstances to inform them of appropriate support resources and options for pursuing complaints under the Nondiscrimination and Anti-Harassment Policy.

### **IV. Informal Matters**

Upon receipt of a report or complaint under the Policy, EAO will determine whether an informal resolution is appropriate. Individuals may request an informal resolution to a concern under the Policy, and EAO will consider the wishes of those involved as a factor in making the determination. The informal process involves a range of possible processes (including facilitated conversations or other informal interventions). Where an informal resolution is inappropriate or a resolution is untenable, EAO will address the matter using the formal complaint procedure.

### **V. Formal Complaints**

The complainant (the person filing the complaint) may [submit a formal complaint to EAO](#) using the online complaint form available at <https://nau.edu/eao>. If EAO determines that the complaint is covered by the Policy, then EAO will initiate a formal investigation. If it is determined that EAO will not handle a specific matter due to actual or perceived conflict of interest or workload matters, then an investigator outside of EAO may be assigned.

#### **A. Notice**

The university will notify the appropriate level of the respondent's chain of command and then provide written notice to the respondent. The notice will include (1) information regarding the basis for the allegations, (2) the respondent's right to provide testimony, documentation,

and the names of witnesses relevant to the matters under investigation, and (3) the prohibition against retaliation. EAO will provide notice to the respondent in a timely manner.

#### B. Interim Measures

EAO may recommend the chain of command or other appropriate office or individual put in place interim measures during the investigation as appropriate. These measures are designed to address the well-being of all parties during any complaint review. EAO may confer with the Human Resources Office, the Office of the Dean of Students, the Office for the Resolution of Sexual Misconduct: Title IX Institutional Compliance, Prevention & Response, other appropriate offices, and/or the supervisory chain of command, as appropriate, in identifying and implementing interim measures.

#### C. Investigation

The assigned investigator will determine the most appropriate investigative plan and gather and review relevant and available witness testimony, documentation, and other relevant evidence. A respondent will be provided an opportunity to respond to the substantive allegations during the investigative process and before any determinations are made. The investigator will determine if, based on the preponderance of evidence standard, the evidence supports a finding that the Policy was violated and communicate the finding to the relevant chain of command and to the parties. A finding of “responsible” means that the preponderance of evidence supported a conclusion that the Policy was violated. If an investigation reveals concerns that do not rise to the level of a Policy violation, then EAO may provide recommendations to prevent future concerns. The investigator may also make recommendations if it is determined that the complaint was not filed in good faith or that false or misleading testimony was intentionally provided to the investigator.

#### D. Investigative Report

With a formal complaint, the investigator will prepare a written, confidential report for the chain of command that summarizes the information reviewed, determination made, and any related recommendations. The report is not shared with the parties or witnesses. EAO may provide the written report to other offices with a need-to-know in order to assist or advise on resolution, including, but not limited to, Human Resources, the Office of the Dean of Students, the Office of the Provost, or the Office of General Counsel. EAO will complete the investigation in a timely manner, typically within 120 days of notice to the respondent. If that timeframe is not met, then EAO will provide written notice to the parties of the anticipated completion timeline.

#### E. Confidentiality

EAO is an office of record. Therefore, EAO cannot assure a party or witness that EAO will not notify appropriate individuals of a report or complaint or that EAO will not take action to address a report of alleged discrimination. However, EAO maintains confidentiality of its processes and records insofar as it does not interfere with the university’s obligation to investigate and address the allegations of misconduct or if disclosure is required by law.

### VI. Appeal

There is no appeal of the finding of the investigation. Should the chain of command institute discipline or other personnel action as a result of the complaint, the individual will have all grievance rights concerning

the discipline or other personnel action that may be provided under the policy(ies) applicable to that individual's position in the university.

#### VII. Filings with State and Federal Agencies

The investigation of a complaint under these procedures is not affected by the filing of a discrimination complaint with a state or federal enforcement agency, such as the Equal Employment Opportunity Commission or the Office for Civil Rights. Timeframes for external filings are not tolled by the filing of an internal complaint under the Policy.