Nondiscrimination and Anti-Harassment Complaint Procedure (Revised September 8, 2026)

PREAMBLE

This procedure accompanies the Nondiscrimination and Anti-Harassment Policy and the Sexual Misconduct Policy ("Policies"). The university may use this Procedure to resolve matters that involve, but are not limited to, students, faculty and staff employees, and university affiliates. This Procedure also governs for resolution of matters brought to the university under applicable Policies by members of the public.

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 Office of Civil Rights Compliance and Title IX (OCRC-TIX) 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

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. Initial Contact

Upon receipt of a report of possible discrimination or a formal complaint, OCRC-TIX will contact the individual(s) reporting or impacted by the circumstances to inform them of appropriate support resources and the range of possible complaint resolution options under the applicable Policies.

IV. Non-investigative Resolution of Complaints

Upon receipt of a report under one of the applicable Policies, OCRC-TIX will determine whether a non-investigative resolution is appropriate. Individuals may request a non-investigative resolution to a concern under one of the applicable Policies, and the OCRC-TIX will consider the wishes of those involved as a factor in making the determination. The non-investigative process involves a range of possible processes (including facilitated conversations, additional training, or other non-investigative interventions). Where a non-investigative resolution is inappropriate or a resolution is untenable, OCRC-TIX may address the matter using the investigative complaint procedure.

V. Investigative Resolution of Complaints

The Complainant (the person filing the complaint) may submit a complaint to OCRC using the online complaint form available at https://in.nau.edu/ocrc. If OCRC-TIX determines that the complaint is covered by one of the applicable Policies, and that a formal investigation is

appropriate, then OCRC-TIX will initiate a formal investigation. If OCRC-TIX determines that it will not handle a specific matter due to an actual or perceived conflict of interest or workload matters, then OCRC-TIX may assign an investigator outside of OCRC-TIX to conduct the formal investigation.

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 applicable policy, (3) the Respondent's right to provide testimony, documentation, and the names of witnesses relevant to the matters under investigation, and (4) the prohibition against retaliation. OCRC-TIX will provide notice to the Respondent in a timely manner.

B. Interim Actions

OCRC-TIX may recommend that 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. OCRC-TIX may confer with the Human Resources Office, the Office of the Dean of Students, or other appropriate offices, and/or the supervisory chain of command, as appropriate, in identifying and implementing interim actions.

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 one of the applicable Policies 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 violation of one of the applicable Policies, then OCRC-TIX may provide recommendations to prevent future concerns. The investigator also may 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

When a formal investigation occurs, 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. OCRC-TIX 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. OCRC-TIX will complete the investigation in a timely manner, typically within 120 days of notice to the Respondent. If that timeframe is not met, then OCRC-TIX will provide written notice to the parties of the anticipated completion timeline.

E. Confidentiality

OCRC-TIX is an office of record, as are the offices within the OCRC-TIX department. Therefore, members of the OCRC-TIX department cannot assure a party or witness that it will not notify appropriate individuals of a report or complaint or that it will not take action to address a report of alleged discrimination. However, the OCRC-TIX 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.