

FREQUENTLY ASKED QUESTIONS

No-Contact Orders

1. What is a No-Contact Order?

A No-Contact Order (“NCO”) is a university directive restricting contact between a person who has been accused of a Policy 6.4 violation (“respondent”) the person who has reported the behavior (“complainant”). An NCO can be issued as a supportive measure by the Cornell Office of Civil Rights (“COCR”) after a report of prohibited conduct is made, even if there is no underlying formal complaint investigation. Supportive measures like NCOs are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available.

2. What is the language in an NCO?

A typical NCO contains two provisions, requiring that the Respondent:

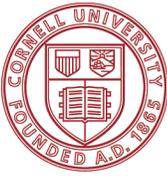
1. *Shall stay away from Complainant. If Respondent finds themselves in the same physical space as Complainant, it is Respondent’s obligation to leave the area immediately.*
 - a. *As an exception to Provision (1) above, the Respondent does not have to leave immediately in the following circumstances:*
 - i. *[list exceptions, such as shared classes, sports teams, etc.]*
2. *Shall refrain from communicating with Complainant, either directly or through a third party, by any means, including in person, by telephone, email, text message, social media or other electronic communications.*

These provisions can be tailored to address the parties’ specific needs and circumstances (see “Modifications” Section), including but not limited to restricting the complainant’s access to facilities and other physical spaces the respondent frequents where necessary or allowing the parties equal access to educational activities, programs and facilities they both use or frequent.

3. When is an NCO an Available Supportive Measure?

A No-Contact Order is an available supportive measure when the Respondent is a student.

In some instances, COCR may issue an NCO when a respondent is an employee. As an alternative to an NCO, Human Resources may be able to issue a directive telling an employee to stay away from and not contact the complainant.



For instances in which the respondent is not a Cornell student or employee, a complainant may wish to seek a Family Court or Criminal Court Order of Protection (“OP”). The [Advocacy Center of Tompkins County](#) can advise and assist a Complainant in obtaining a Family Court OP and may even attend court with the complainant. Cornell University Police Department (“CUPD”) can assist a complainant seeking to obtain a Criminal Court OP. The University may also take measures to restrict a respondent’s physical access to campus.

4. How long does an NCO last?

In instances where there is a signed formal complaint and a concurrent formal complaint investigation, an NCO will be in place for the duration of the investigation and may stay in place after a case is resolved, consistent with the terms of an Alternate Resolution agreement or Hearing Panel decision. More information about Alternate Resolutions and Hearings can be found in Student [Procedures](#), Sections 25 and 26, respectively.

An NCO where the underlying report is not being investigated and has not been adjudicated is temporary and limited. If there is no formal complaint pending, an NCO will generally last one year from the date of issuance or until a respondent graduates, whichever is earlier.

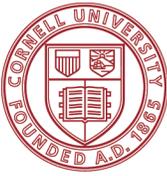
Process

5. When can a complainant request an NCO?

If a complainant reports a violation of Policy 6.4 and they are able to identify who engaged in the prohibited conduct, they may receive an NCO. COCR will not issue an NCO for reported behavior that does not constitute prohibited conduct under Policy 6.4.

There may be instances where both parties allege violations of Policy 6.4 against the other (called cross complaints). In such instances, both parties are complainants (as well as respondents), and each is entitled to an NCO.

For conflicts that do not constitute prohibited conduct under Policy 6.4, such as race-based bias or harassment involving students, parties may want to consider requesting mediation, conflict coaching, or other conflict resolution services through the Campus Mediation Program or the [BART team](#). A complainant can also seek to file a formal complaint for non sex/gender-based harassment under The Student Code of Conduct through the Office of Student Conduct and Community Standards (“OSCCS”).



6. What is the process for getting an NCO?

A complainant may need to participate in an investigative interview so COCR can better understand the date, time, location, and facts in the report. A complainant can request an interview and intake with COCR by emailing titleix@cornell.edu.

Notice

7. How much information is shared with a respondent about the nature of the reported incident when an NCO is issued?

The NCO includes the name of the complainant as well as a brief description of the date, time, location, and nature of the alleged Policy 6.4 violation. Because of this, an NCO may not be the right decision for a complainant who wants to remain anonymous to the respondent or doesn't want the respondent to know a report has been made to the University. If this is a concern, the complainant may wish to consider whether another supportive measure, such as a housing change or academic accommodation, can address their needs in a more private way.

8. When does an NCO become effective?

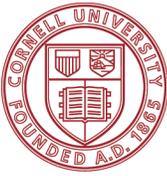
An NCO becomes effective when the Notice of the Allegations is provided to the respondent and the NCO is finalized. This typically happens a few days after the complainant verifies the language in the Notice of the Allegations and confirms that they would like to proceed with this supportive measure (typically done in writing, via email). The respondent is typically given the opportunity to provide feedback on the NCO before it is made final.

9. To whom does COCR provide notification of the issuance of an NCO?

An NCO will be provided to CUPD so that they are aware of measures already taken by the University in the event that they are called to respond to an incident involving a complainant or respondent. CUPD is not provided with the notice of the underlying allegation.

Parties are permitted to share a copy of their NCO with their procedural advisor and support person, consistent with the Process Privacy under [Policy 6.4](#). NCOs cannot be shared outside of the exceptions to Process Privacy enumerated in Policy 6.4; sharing a no-contact order in violation of Policy 6.4's Process Privacy may constitute retaliation.

In some limited circumstances, COCR may contact an academic department or other University administrator to better understand factors impacting parties' access to their workspace or educational program. The purpose of these communications is to allow COCR to create a



narrowly tailored NCO. If this is necessary, we will maintain parties' privacy to the greatest extent possible.

10. Does an NCO create a disciplinary record?

No. A disciplinary record is created when a student is found responsible or accepts responsibility for a policy violation. An NCO is a non-punitive supportive measure.

Modifications

11. What are some examples of specific needs and circumstances that might justify tailoring the typical NCO terms?

- If one or both parties live in a social organization or program house;
- If the parties are in the same department, professional school, graduate program, or classes;
- If one or both parties frequently access a certain campus resource for their academics (for example, they frequently do research in a specific library or academic building); and
- If a party has a dietary restriction that limits their use of some or all on-campus dining halls.

This list is meant to be illustrative, not exhaustive. Other restrictions are considered as needed to restore and/or preserve the parties' equal access to the University's education program and activities, protect the safety of all parties and the University community, and not unreasonably burden respondent.

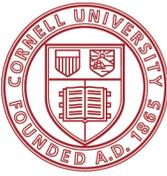
12. How may a party request a modification to an NCO?

A party may reach out to the COCR staff member who issued the NCO to request a modification to the NCO. If that person cannot be reached, they should email titleix@cornell.edu and the request will be routed to the appropriate staff member.

A party may request that the Title IX Coordinator issue, modify, or remove supportive measures based upon a change in circumstance or new information that would affect their necessity.

13. How may a party request a review of the Title IX Coordinator's decision with respect to an NCO? How is requesting a review different than requesting a modification?

In a case with a student respondent, either party may petition the Vice President of Student and Campus Life (VPSCl) in writing to review the Title IX Coordinator's decision whether to issue, modify, or remove supportive measures. A party seeks review by submitting a letter explaining the reason for their request for review and including any written evidence in support of such



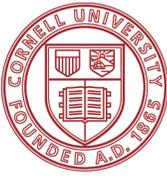
request. The materials should be submitted to the Title IX Coordinator (titleix@cornell.edu), who will forward all materials to the VPSC. For more information, see [Student Procedures](#), Section 16.5.

Before requesting review of the Title IX Coordinator's decision with respect to an NCO, parties are encouraged to request modifications through the process outlined in the FAQ above.

Abiding by an NCO

14. If an NCO contains a stay away provision and there is no specific exception that speaks to the circumstances, what is the Respondent expected to do in the following situations?

- a. **Eating at a dining hall or off-campus restaurant and the Complainant arrives:** The Respondent is expected to finish their meal then leave the dining hall or restaurant without interacting with the Complainant in any way.
- b. **Entering a dining hall and the Complainant is already eating there:** The Respondent is expected to leave and find another dining hall.
- c. **Both parties are at a social event on campus:** If it is possible to be in separate physical spaces (for example, separate rooms) at the social event, both parties may stay, and adhere to the other terms of the NCO. If it is not possible, the Respondent must leave the social event. If one party lives in a residence that frequently hosts social events, they are encouraged to request a provision of the NCO outlining the expectations if both parties are present at a social event at that location.
- d. **Both parties are in an academic class:** The Respondent is not required to leave, as doing so would restrict their access to the University program or activity. Parties may request that the NCO detail specific seating assignments in the class or may request an academic accommodation to stay separate in the class (for example, requesting to not be placed in group projects with the other party).
- e. **Both parties are using public or private transportation:** On TCAT and coach buses, at the airport, and so on, the Respondent is expected to stay away from and not contact the Complainant. The Respondent is not required to leave the mode of transportation. When the transportation trip is over, the Respondent may not linger near the Complainant and is expected to leave the area as soon as possible.
- f. **Other locations (i.e., grocery stores, fitness centers, places of worship):** The Respondent is expected to leave the same physical space as the Complainant, but is not required to leave the location entirely. At a grocery store, this may mean leaving a shopping aisle. At a fitness center, this may mean using a different section of the facility than the complainant. If a party anticipates there are certain locations where they will see the other party frequently, they are encouraged to request specific exceptions or clarifications to the No-Contact Order to manage potential interactions in these spaces.



15. What are the consequences of violating an NCO?

Knowingly violating a supportive measure is prohibited conduct under Policy 6.4. An individual who believes an NCO has been violated can seek to file a formal complaint, initiating a disciplinary process, which can result in sanctions up through and including separation from the University.

If a complainant does not wish to file a formal complaint, they can request that COCR issue more restrictive modifications or have a conversation with a respondent to prevent future violations.

16. What should a respondent do if a complainant contacts them?

A respondent should contact the COCR staff member who issued the order and copy titleix@cornell.edu as soon as possible so the matter can be evaluated. If there is no formal investigation and if the respondent can provide proof of the complainant's contact (incoming phone call log, text message, etc.), COCR may remove the NCO.

Resources & Additional Information

- **Procedural Advisors:** University-provided advisors, whose services are provided free of charge
 - **Complainants' Codes Counselors:** complaintadvice@cornell.edu
 - **Respondents' Codes Counselors:** jccoffice@cornell.edu
- **The Advocacy Center of Tompkins County:** 24/7 hotline, 607.277.5000
- **The Cornell Victim Advocate:** 607.255.1212, victimadvocate@cornell.edu
- **The Faculty and Staff Assistance Program (FSAP):** mental health providers, faculty and staff only, 607.255.2673
- **Office of Spirituality and Meaning Making:** includes pastoral counseling through Cornell United Religious Work, 607.255.4214, scl.cornell.edu/osmm (all staff are confidential)
- **Gender Equity Resource Center (GenEq):** 607.255.1406, geneq@cornell.edu, <https://scl.cornell.edu/GenEq> (all staff are confidential)
- **The LGBT Resource Center:** 607.255.4978, lgbtrc@cornell.edu (all staff are confidential)
- **The University Ombudsman:** 607.255.4321 (this office prefers to receive phone calls, rather than emails)
- **Sexual Harassment & Assault — Response & Education,** SHARE.cornell.edu
- **Cornell Police (CUPD):** 607-255-1111, cupolice.cornell.edu
- **Student Disability Services (SDS),** 607-254-4545, sds_cu@cornell.edu, sds.cornell.edu
- **International Students and Scholars Office:** immigration resources, isso.cornell.edu
- **NYS Bar Association Lawyer Referral & Information Service,** 1.800.342.3661