Cornell University

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FREQUENTLY ASKED QUESTIONS

No Contact Orders

1. What is a No Contact Order?

A no-contact order ("NCO") is a Cornell University ("University") directive restricting contact between a person who has been accused of a Policy 6.4 violation ("Respondent") and 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.

A typical NCO is a mutual directive between the parties stating that the parties shall refrain from communicating with each other, either directly or through a third party, by any means, including in person, by telephone, email, text message, social media, or other electronic communications.

In addition to the above provision, the parties can request that additional provisions be added to the NCO to address the parties' specific needs and circumstances (see "Modifications" Section). These may include a request that an NCO contain a "stay away provision," which states that the parties shall stay as far away from each other as possible.

2. When is an NCO an available Supportive Measure?

A no-contact order is an available supportive measure when both the Complainant and the Respondent are Cornell students, staff, or faculty, and the reported conduct involves potential Policy 6.4 violations. 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 member of the Cornell community, a Complainant may wish to seek a Family Court or Criminal Court Order of Protection ("OP"). The Advocacy Center of Tompkins County and/or the Cornell SHARE Office Victim Advocacy Program 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") and/or the Cornell SHARE Office Victim Advocacy Program can assist a Complainant seeking to obtain a Criminal Court OP. Depending on the circumstances, the University may also take measures to restrict a Respondent's physical access to campus.

3. How long does an NCO last?

When a Formal Complaint has been signed and a formal investigation is underway, an NCO will remain in place for the duration of the investigation and may stay in place after a case is resolved.

If no Formal Complaint has been signed, an NCO will generally stay in place for one (1) year from the date of issuance.

4. When can a Complainant request an NCO?

If a Complainant reports a violation of Policy 6.4 and they can identify the potential Respondent, they may receive an NCO. COCR will not issue an NCO for reported behavior that does not constitute allegations of prohibited conduct under Policy 6.4.

For conflicts involving students or faculty that do not constitute prohibited conduct under Policy 6.4, parties may consider requesting mediation, conflict coaching, or other conflict resolution services through campus partners such as the Scheinman Institute on Conflict Resolution, or the Ombuds Office. COCR can provide referrals and support in navigating these resources.

5. What is the process for getting an NCO?

A Complainant may need to participate in an interview so COCR can understand whether the alleged conduct constitutes alleged prohibited conduct under Policy 6.4. A Complainant can request an interview and intake with COCR by emailing titleix@cornell.edu (for reports of sexual and related misconduct) or civilrights@cornell.edu (for reports of protected status discrimination and harassment).

6. When does an NCO become effective?

An NCO becomes effective when the NCO is sent to both parties.

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

COCR provides a final copy of the NCO to both parties, along with information regarding the underlying prohibited conduct. A copy of the NCO only will be provided to CUPD to ensure that they are aware of the steps taken by the University in the event they are called to respond to an incident involving the Complainant and Respondent. In matters involving employees, a copy of the NCO may also be provided to the relevant Human Resources office.

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.

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. Sharing an NCO in violation of Policy 6.4's Process Privacy may constitute a violation, for students, of the Student Code of Conduct or, for employees, a Human Resources policy.

8. Does an NCO create a student disciplinary record?

No. A disciplinary record is created when a student is found responsible or accepts responsibility for a violation of Policy 6.4. An NCO is a non-disciplinary, non-punitive supportive measure.

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

Either party may request that the Title IX Coordinator or Director of Civil Rights Compliance issue, modify, or remove supportive measures, including an NCO, based upon a change in circumstance or new information that would affect their necessity. To make this request, the party should email titleix@cornell.edu and/or civilrights@cornell.edu.

10. How may a party request a review of COCR's decision with respect to an NCO? How is requesting a review different than requesting a modification?

A party may request review or modification of an NCO by reaching out to the Title IX Coordinator at titleix@cornell.edu, or the Director of Civil Rights Compliance at civilrights@cornell.edu.

11. 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 in a dining hall or off-campus restaurant and the Complainant arrives:** While dining, the Respondent is expected to stay out of the Complainant's immediate area. After finishing, the Respondent is expected to exit the dining hall or restaurant as soon as possible. For the entirety of the parties' shared time in the dining hall or restaurant, the Respondent should avoid interacting with the Complainant in any way.
b. **Entering a dining hall and the Complainant is already eating there:** The Respondent is expected to obtain their food and find a space to sit that is as far from the Complainant's immediate area as possible. If it is not possible for the Respondent to avoid the Complainant's immediate area in the space, 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 for the Respondent to avoid the Complainant's immediate area (for example, by being in separate rooms) at the social event, both parties may stay and should adhere to the other terms of the NCO. If it is not possible for the Respondent to avoid the same

immediate area as the Complainant, 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 not to 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 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 Complainant's immediate area as soon as possible.
f. **Other locations (*i.e.*, grocery stores, fitness centers, places of worship):** The Respondent is expected to leave the immediate area surrounding the Complainant, but they are 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 that 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.

12. What are the consequences of violating an NCO?

Knowingly violating a supportive measure is a form of 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 to and including separation from the University (i.e., suspension or dismissal).

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.

13. What should a party do if the other party contacts them?

If either party receives contact from the other party in an NCO, they should contact the COCR staff member who issued the order and copy titleix@cornell.edu or civilrights@cornell.edu as soon as possible so the matter can be evaluated.

Resources & Additional Information

- **Procedural Advisors:** University-provided advisors, whose services are provided to students free of charge

    - **Complainants' Codes Counselors:** complaintadvice@cornell.edu
    - **Respondents' Codes Counselors:** rccoffice@cornell.edu
- **The Advocacy Center of Tompkins County:** 24/7 hotline, 607.277.5000
- **Cornell SHARE Office Victim Advocacy Program:** 607.255.1212, victimadvocate@cornell.edu; health.cornell.edu/services/victim-advocacy
- **The Faculty 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 (CURW), 607.255.4214, scl.cornell.edu/osmm (all professional staff and pastoral counselors are confidential)
- **Gender Equity Resource Center** (GenEq): 607.255.1406, geneq@cornell.edu, scl.cornell.edu/GenEq (all professional staff are confidential)
- **The LGBT Resource Center:** 607.255.4978, lgbtrc@cornell.edu, scl.cornell.edu/LGBTRC (all professional staff are confidential)
- **The University Ombuds**: 607.255.4321, ombuds@cornell.edu
- **International Services:** immigration resources, international.globallearning.cornell.edu
- **NYS Bar Association Lawyer Referral & Information Service:** 1.800.342.3661