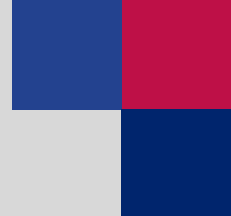




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Title IX Administrators

# No Contact Considerations, Part 1

20 Minutes to... *Trained*



# **YOUR FACULTY**

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Strategic Risk  
Management Solutions



Any advice or opinion provided during this training, either privately or to the entire group, is never to be construed as legal advice. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law, any applicable state or local laws, and evolving federal guidance.

# WHAT IS A NO CONTACT ORDER?

## No-Contact Order (NCO) or No-Contact Directive (NCD)

- An administrative directive, non-punitive
  - In response to an alleged policy violation **OR** for specific safety purposes
- Involves two or more individuals
  - May impose restrictions on proximity, contact, presence, space, etc.
  - Minimizes conflict between individuals
- Issued by request or due to emergency
- Mutual or unilateral
- A supportive measure, not a sanction

# NCO STRATEGY

- Helpful for individuals unsure about formal process
- Provides sense of personal security or safe space
  - Limits contact with them, not about them
- Specific restrictions
  - Start with least invasive, adjust as needed
  - Contact and proximity
    - “First controlled space”
- Unilaterally or reciprocal
- In combination with other support measures

# NCO CONSIDERATIONS

- Does the situation call for an NCO?
  - What's the rationale?
  - Not threshold-free
- Temporary or ongoing?
- Challenges to NCO
  - Do not necessarily need a specific allegation
  - Rational basis
  - Rooted in good faith
  - Criterion-driven

# NCO CONSIDERATIONS (CONT.)

- Specific terms
  - What can you enforce?
  - What do the individuals want or need?
  - What are the sources of conflict?
  - What is reasonable under the circumstances?
- Off-campus considerations
- Avoid one-size fits all
- Fine tuning over time
- Social media and cyberspace
  - First Amendment concerns

# DENYING AN NCO REQUEST

- The request does not meet the threshold for NCO
  - Lack of risk/harm/safety concern/conflict
  - Being threatened vs. feeling threatened
- An extension not needed
- NCO no longer needed





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# Questions?

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