

Frequently Asked Questions – Title IX No Contact Directives

What is a No Contact Directive?

A Title IX No Contact Directive is an administrative measure taken to ensure an identified party (Complainant or Respondent) has no contact, directly or indirectly, with another identified party following a report of Prohibited Conduct or a finding of a violation of the University’s Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence (“Sexual Misconduct Policy”).

Students who have interpersonal conflicts that do not rise to the level of concerns under Title IX will not be granted No Contact Directives, but instead will be offered other support from University resources to resolve such conflicts.

Can either a Complainant or Respondent request a No Contact Directives?

Yes. Either Complainant or Respondent may request a No Contact Directive following a report of Prohibited Conduct under the Sexual Misconduct Policy. To request a No Contact Directive, please contact the Title IX Coordinator at titleixcoordinator@virginia.edu or (434) 297-7988. In addition, the Title IX Coordinator may issue a No Contact Directive without a request from either Respondent or Complainant when appropriate.

Is the No Contact Directive issued to both Respondent and Complainant?

A No Contact Directive may be issued by the Title IX Coordinator to Complainant, Respondent, or both parties depending on the circumstances. Both parties will receive a copy of any No Contact Directive involving them.

What factors are considered by the Title IX Coordinator when deciding whether to issue a No Contact Directive?

The Title IX Coordinator will consider all facts and circumstances that may be relevant to whether a No Contact Directive should be issued, including, but not limited to, the following factors:

- Whether the alleged prohibited conduct indicates an act of physical violence or threatened act of physical violence.
- Whether the alleged prohibited conduct indicates any threat to the safety, health, or property of an individual or harassment or intimidation of either of the parties.
- Whether there is a substantial, objective risk of emotional harm to either of the parties based on continued contact.
- Whether continued contact between the parties may negatively impact the University’s Title IX investigation.

- Whether either party has made a good faith request for a No Contact Directive.

Does the No Contact Directive mean Complainant and Respondent are not permitted to be present in the same location?

No. The No Contact Directive prohibits one party, either Complainant or Respondent, from contacting the other party. It generally does not restrict an individual's movement around Grounds or prevent the individual from being in the same University building or space as the other party. If such restrictions are deemed necessary, the No Contact Directive will clearly outline such restrictions. Prior to imposing any restrictions, the University looks to modify course schedules, work schedules, and housing assignments to minimize the chance of contact between the parties. When restrictions are imposed, the University looks to impose the least restrictive measures necessary (e.g., barring one party from entering the other party's residence hall or a University building during a time when only one party has class or practice) to ensure a safe environment and minimize conflicts.

Does the No Contact Directive apply in areas that are not University property?

No. The University does not enforce No Contact Directives on non-University property, i.e. off Grounds. Retaliation against a student off Grounds because such student reported Prohibited Conduct or participated in an investigation is not tolerated and should be immediately reported to the Title IX Coordinator at (434) 297-7988 or titleixcoordinator@virginia.edu. As defined by the Sexual Misconduct Policy, retaliation means any adverse action taken against a person for making a good faith report of Prohibited conduct or participating in any proceeding under the Sexual Misconduct Policy. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging in activity protected under the Sexual Misconduct Policy. Retaliation may be present even where there is a finding of "no responsibility" on allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Can I appeal the issuance of a No Contact Directive?

There is no formal appeal process for a No Contact Directive; however, an individual seeking modification or rescission of a No Contact Directive may make such a request to the Title IX Coordinator. The Title IX Coordinator will consult with both parties to gather information pertaining to rescinding or modifying the No Contact Directive before determining whether to modify or rescind the No Contact Directive.

What is "contact" under a No Contact Directive?

Contact includes, but is not limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third-party communications including communicates through the use of proxies.

What about electronic communications that may be received on or off Grounds?

Any contact by electronic means (e.g., telephone, text, email, social media) violates a

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No Contact Directive regardless of where the individual was physically located when the party sent the message or where the other party was physically located when the message was received.

What happens if a No Contact Directive Expires or is Modified?

Parties will be notified in writing when a No Contact Directive is no longer in effect or is modified. This can occur in a number of instances, such as when the party is no longer a student or employee of the University or if a Respondent has gone through a formal investigation and has been found not to have violated any University policy. As noted above, in the latter situation, even when there is no longer an official No Contact Directive, both parties are protected from retaliation or intimidation, as defined above and under the Sexual Misconduct Policy, on or off Grounds. Alternatively, following a hearing and a violation finding, a Decision Maker may impose more restrictions on a Respondent's activities to ensure a hostile-free living, learning, and working environment for a complainant or the community.

Who do I contact if I believe that a Title IX No Contact Directive has been violated?

Contact the Title IX Coordinator at (434) 297-7988 or titleixcoordinator@virginia.edu.

It is important that you DO NOT enlist your friends to enforce a No Contact Directive.

What happens if it is reported that a No Contact Directive has been violated?

The Title IX Office will conduct an expedited investigation to determine whether it is more likely than not (the preponderance of the evidence standard) that the No Contact Directive was violated, giving both parties an opportunity to provide relevant information before a determination is made. If a violation is determined consequences will be imposed by the Title IX Coordinator and may include a range of sanctions based upon the nature of the violation, such as increased restrictions or disciplinary action.

What if I feel unsafe on or off Grounds?

IF YOU BELIEVE YOU ARE IN IMMEDIATE DANGER ON OR OFF GROUNDS, CALL 911.

Individuals who feel unsafe and wish to have no contact with another party off Grounds, but who are not in immediate danger, are strongly encouraged to contact local law enforcement about options, such as obtaining a Protective Order or other safety planning. University Police (UPD) can assist a student with contacting the appropriate law enforcement agency. Contact UPD at (434) 924-7176.

What is a protective order?

Where Prohibited Conduct is reported to the Police, it may be possible to obtain a court-ordered Emergency or Preliminary Protective Order. These Protective Orders may be issued if the judge or magistrate believes that there is an immediate threat to health or safety. Later, after a full hearing, the court may agree to issue a "Permanent" Protective Order, in appropriate cases. A Permanent Protective Order may remain in place for up to

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two years under Virginia law and, in some cases, may be extended for an additional two years. For more information, see <http://vsc.virginia.gov/protective-orders-virginia-guide-victims-english.pdf>.