



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 that an identified party (Respondent) has no contact, directly or indirectly, with a reporting party (Complainant) following a report of Prohibited Conduct or a finding of a violation of the University's Policy on Sexual or Gender-Based Harassment and other Forms of Interpersonal Violence (the Policy). Students who have interpersonal conflicts that do not rise to the level of individual health and safety 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.

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

While the Complainant receives a copy of the No Contact Directive issued to Respondent, a Complainant, absent rare circumstances, is not issued a No Contact Directive, as such action could chill reporting and be viewed as retaliation under Title IX. The expectation, however, is that a Complainant would not find it necessary to initiate contact with a Respondent who is under 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 the Respondent from contacting the Complainant. It generally does not restrict the Respondent's movement around Grounds or prevent the Respondent from being in the same University building or space as the Complainant. If such restrictions are deemed necessary, the No Contact Directive will clearly outline such restrictions. Prior to imposing any such restrictions, the University looks to modify course schedules, work schedules, and housing assignments to minimize the chance of contact between the Complainant and Respondent. When restrictions are imposed, the University looks to impose the least restrictive measures necessary (e.g., barring the Respondent from entering the Complainant's residence hall or a University building during a time when the Complainant (and not the Respondent) 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 in non-University property, i.e., off Grounds. However, independent of a No Contact Directive, harassment of a student because of their sex or gender by another person that occurs off Grounds can create a hostile environment

Mission

Ensuring equal opportunity and protecting the civil rights of all University community members through proactive outreach, education, and effective response and resolution.

on Grounds and is subject to University responsive and appropriate action.

Moreover, retaliation against a student off Grounds because such student reported Prohibited Conduct or participated in an investigation also is not tolerated and should be immediately reported to the Title IX Office at (434) 297-7988 or titleixcoordinator@virginia.edu. As defined by University 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 Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under the Policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

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 No Contact Directive regardless of where the Respondent was physically located when Respondent sent the message or where the Complainant was physically located when Complainant received it.

What if I feel unsafe on or off Grounds?

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

Students who feel unsafe and wish to have no contact with a student 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?

A protective order is a civil court order to protect victims of violence, threats, and abuse. It is a legal document issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force, or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury. In Virginia, there are three (3) kinds of protective orders: an emergency protective order (that expires at the end of 72 hours), a preliminary protective order (that lasts 15 days or until a full hearing), and a full protective order that may last up to two (2) years. There is no cost to file for a protective order. In order to obtain a protective order, you must go to the magistrate’s office, a general district court clerk’s office or the court services unit for the juvenile and domestic relations court. The protective order only takes effect once the respondent has been served by a law-enforcement

officer or court official. After the protective order has been served and is in effect, if there is a violation, such as the respondent contacting the petitioner after a no-contact protective order has been issued, you can contact the police to report the violation and this could be charged as a separate criminal offense. A protective order is valid in another state because federal law requires all states to enforce protective orders issued in other states.

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 it is modified. This can occur in a number of instances, such as when Respondent is no longer a student or employee of the University or if 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 where there is no longer an official No Contact Directive, Complainant still is protected from retaliation or intimidation by Respondent, as defined above and under University policy, on or off Grounds. Alternatively, following a hearing and a violation finding, more restrictions on Respondent’s activities may be imposed to ensure a hostile-free living, learning, and working environment for a complainant and or the community.

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

Contact the Title IX Office at (434) 297-7988 or at 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.