



### **No Contact Procedure**

*Last updated 3, 10, 2016*

A No Contact Order is an official university notice from the Office of Student Conduct (OSC) or the Office of Equal Opportunity Programs (EOP) restricting two University of South Carolina students, faculty, or staff from initiating contact with each other.

- No Contact Orders from the OSC restrict student to student contact. Any USC student can request a No Contact Order from the OSC; however both involved parties must be USC students.
- No Contact Orders from EOP restrict faculty, staff, or students from contact.

The order is mutual in scope (unless otherwise stated) and therefore both USC community members must adhere to the parameters documented in the notice. In cases involving interpersonal violence, a unilateral (single party) No Contact Order may be issued by either EOP or OSC as a measure protecting the safety of the complainant, or in response to a student who has been found responsible for an interpersonal violence offense and who is returning to campus following a period of suspension. EOP orders issued to faculty and staff will be in coordination with the faculty or staff member's applicable supervisor.

The No Contact Order can only be lifted in certain circumstances if the student, faculty, or staff member *requesting* the No Contact Order documents their request to lift the order in writing.

If the No Contact Order is violated, the Student Conduct Office levies sanctions on the offender if s/he is a student. Violations of the No Contact Order are considered violations of the Student Code of Conduct and will be punished by the Student Conduct Office.

Unless emergency circumstances require otherwise, a No Contact Order will ordinarily be issued after information about the situation has been obtained from the involved students, faculty and staff. A student, faculty or staff member who is fearful for his or her safety and the potential for danger if the alleged is within geographic proximity should contact law enforcement and apply for a judicial restraining order from a court of competent jurisdiction.

#### **Provisions of a No Contact Order:**

- I. Prohibited contact refers to any intentional words or actions including, but not limited to:
  - a. Use of threats of physical violence both on and off-campus
  - b. Verbal abuse or personal harassment both on and off-campus
  - c. Telephone calls, text messages, instant messages, emails, Facebook, Twitter, or communication via other forms of social media
  - d. Destruction or vandalism of the named person's property
- II. Both parties will be responsible for any contact made through their social media accounts, including telephone calls, text messages, instant messages, emails, Facebook, Twitter, or other

forms of social media. Each party is responsible for changing passwords and/or notifying family members or friends who may be joint users.

- III. Third party contact is prohibited, which is defined as: a third party acting on behalf of either party, which seeks to intimidate, harass, threaten, coerce, or place in fear the individual(s) named on the No Contact Order. Behavior which meets this definition is a violation of the No Contact Order. A student/faculty or staff member named on a No Contact Order cannot ask friends, family members, or others to make contact with the other individual(s) named on the No Contact Order in order to harass or intimidate them. Prohibited contact, as defined in this section, includes all forms mentioned in Section I.
- IV. Incidental contact will not be considered a violation of this order. Incidental contact may include unintentionally passing the individual(s) named on the No Contact Order on campus or unexpectedly seeing the individual(s) named on the No Contact Order in an on-campus building or residence hall.
- V. If the parties encounter one another while on campus (incidental contact), they both have a mutual responsibility to immediately remove themselves from the situation and take means to separate. If they are in the same course, the Office of Equal Opportunity Programs will work with the academic unit to appropriately remedy the situation.
- VI. As No Contact Orders have no geographic restrictions, incidental contact is not limited to on-campus locations. Therefore, in the event of incidental contact while off campus, both parties have a mutual responsibility to immediately take means to separate. However, this may simply require that both parties remain distant while in a shared location (such as a store, restaurant, etc.). For questions about an individual's responsibility during situations of incidental contact, please contact an Office of Equal Opportunity Programs staff member.
- VII. Incidental contact can become intentional contact if a student has changed his/her route to "incidentally" run into the other party with the purpose of causing fear or discomfort. If either party has concerns that any incidental contact has become intentional contact, they should contact an Office of Equal Opportunity Programs staff member and file an incident report.
- VIII. All No Contact Orders are mutual unless otherwise specified. In the event of a Title IX situation or other special circumstance, unilateral No Contact Orders may be used to restrict one party from contacting another individual. In this situation, the individual who requested the No Contact Order does not have the burden to remove themselves from situations of incidental contact. Unilateral No Contact Orders may be utilized in instances where a student who has been found responsible is returning to campus following a period of suspension.
- IX. No Contact Orders remain in effect indefinitely, until otherwise notified.
- X. Retaliation is prohibited. No person will be subjected to restraint, interference, coercion, or reprisal for filing a complaint, serving as a witness, or seeking information regarding the No Contact Order provisions or for seeking information about remedies available to the requestor. Students, faculty, and staff members found retaliating against another individual for filing a complaint, serving as a witness, or seeking information regarding the No Contact Order policies may be subject to additional findings and sanctions from the Office of Student Conduct and Academic Integrity and/or the Office of Equal Opportunity Programs.
- XI. Any violation of a No Contact Order by a student is actionable under STAF 6.26. Violations by faculty and staff members are actionable under the University's HR processes and procedures.