



Committee Meeting: Policy & Governance Committee	Date: September 14, 2018
Committee Chair: Kathleen Masiello	
New or Edited: Edited	

**POLICY NAME:** No Contact Orders

**POLICY TYPE:** Managerial

**SUBMITTED BY:** Petrina Hill-Cheatom, Dean of Students II, M.Ed and Tracy Gast, Vice President for Facilities and Security

**ISSUE OR STATEMENT OF PURPOSE:** A Dean of Students or the Vice President for Facilities and Security are authorized to issue a No Contact Order (NCO) prohibiting contact between students and students and SUNY Erie Employees when there exists a reasonable concern that physical or psychological harm may result from continued contact.

**NEW OR EDITED POLICY:** New

A Dean of Students or the Vice President for Facilities and Security are authorized to issue a No Contact Order (NCO) prohibiting contact between students and between students and SUNY Erie Employees when there exists a reasonable concern that physical or psychological harm may result from continued contact.

College staff will consider all facts and circumstances that may be relevant to whether a NCO should be issued, including, but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another or between students and staff;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student of another or between students and staff;
- When there is a substantial risk of emotional harm from continued contact between students or between students and staff;
- When continued contact between students or students and staff may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved or between students and staff; and
- When there are of allegations of serious College policy violations including violations under the auspices of Title IX.



**POLICY NAME: No Contact Policy - Continued**

All NCOs shall provide that neither student may have contact with the other student or staff member. “Contact” includes, but is not necessarily 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 through others.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of all parties subject to the NCO, when deemed necessary by the college. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- Restricting a student from being in close proximity to the other student or staff;
- Restricting a student’s access to certain campus locations;
- Restricting the times a student may be present on a particular campus;
- Requiring that students not be enrolled in the same academic course(s) as the other parties involved; and
- Requiring that students not participate in the same athletic events or clubs or organizations as the other parties involved.

NCOs may be issued by the following administrators:

- For matters pertaining to the Student Code of Conduct: Deans of Students;
- For matters pertaining to Title IX: the Vice President for Equity and Inclusion, Title IX and Civil Rights Compliance, or a designee; and
- For emergency situations involving personal safety: the Vice President for Safety and Facilities or a designee may issue temporary NCOs. Any modifications may be made by the same College staff or the Vice President for Student Affairs if relevant information is reviewed and deemed warranted.

The College will review all NCOs annually. Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the College or at the consent of the parties involved. A student seeking the modification or rescission of an NCO shall make his/her request to the administrator who issued the NCO in writing. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.

Violations of No Contact Orders are subject to discipline under the Code of Student Conduct or the retaliation provision of the Harassment Policy, as appropriate.



**POLICY NAME:** No Contact Policy - **Continued**

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** No

**POLICY COMMITTEE RECOMMENDED ACTION:**

Policy Committee recommends the Board of Trustees accept the Managerial policy under the Committee Briefings, Policy & Governance Committee.

**POLICY COMMITTEE MEMBERS PRESENT:** Trustee Kathleen Masiello, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Academic Richard Washousky, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Jamie Smith, Dean of Liberal Arts and Sciences Joanne Colmerauer, College Senate Representative Michael Delaney

**DATE OF BOARD ACCEPTANCE:** September 27, 2018

**POLICY COMMITTEE TEAM FOLLOW-UP:**

Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual, the Student Handbook and the SUNY Erie Website.

**INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:**

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of September 14, 2018.