

Joint Guidance on Mutual No Contact Orders and Location Restriction Orders¹
University of Denver
Office of Student Rights & Responsibilities
Office of Equal Opportunity & Title IX

The University of Denver (University) defines a Mutual No Contact Order and a Location Restriction Order in the [2021-2022 Honor Code as follows](#):

A Mutual No Contact Order is a written directive for the identified parties to avoid all contact and/or communication with one another. Unless expressly stated otherwise in the Mutual No Contact Order, contact is defined as communicating in person, communicating through a third party, and communicating through all forms of written and/or electronic contact (including phone, email, texting, and social media). The Mutual No Contact Order may apply to other forms of contact, as the University deems appropriate under the circumstances.

A Location Restriction Order is a written directive for one or more identified parties not to enter a designated portion of University Premises. The written Location Restriction Order will define the space to be avoided, which may include particular rooms, buildings, outdoor areas, events, or other spaces as described in the Location Restriction Order. The Location Restriction Order may also require a housing reassignment or reassignment to a different section of a course for one or multiple individuals identified in the Location Restriction Order.

Mutual No Contact Orders and Location Restriction Orders are not considered disciplinary in nature; however, failing to comply with the terms of the Mutual No Contact Order and/or Location Restriction Order may constitute a violation of the [Student Rights & Responsibilities Policies](#).

This Guidance outlines the process for requesting and the determination whether to issue a Mutual No Contact Order and/or Location Restriction Order.

Responsible Offices

The Office of Student Rights and Responsibilities (SRR) and the Office of Equal Opportunity and Title IX (EOIX) are the two University offices responsible for issuing Mutual No Contact Orders and/or Location Restriction Orders.² The determination of

¹ This guidance does not apply to Location Restriction Orders issued by the Office of Student Rights and Responsibilities related to [COVID](#) compliance and testing. For more information on the process for these Location Restriction Orders, please visit <https://www.du.edu/studentlife/studentconduct/policies/nocontactorders.html>.

² This guidance does not apply to the Division of Campus Safety, which may issue temporary or emergency No Contact Orders or Location Restrictions consistent with their existing procedures and guidance.

which office issues the Mutual No Contact Order or Location Restriction Order depends on the applicable policy and procedures involved in the following circumstances:

1. When the reported information implicates the [Honor Code](#), the Director of Student Rights & Responsibilities (or their designee) may issue a Mutual No Contact Order and/or a Location Restriction Order; and
2. When the reported information implicates the [Comprehensive Discrimination & Harassment Procedures](#) or the [Title IX Sexual Harassment Procedures](#), the Associate Vice Chancellor for Equal Opportunity and Title IX (or their designee) may issue a Mutual No Contact Order and/or a Location Restriction Order.

Requests for Mutual No Contact Orders and/or Location Restriction Orders

An individual may request a Mutual No Contact Order and/or Location Restriction Order by:

1. Submitting a [No Contact Order Request](#) form; or
2. Submitting a written request to the Associate Vice President for Equal Opportunity and Title IX when the conduct implicates either the [Comprehensive Discrimination & Harassment Procedures](#) or the [Title IX Sexual Harassment Procedures](#).

A request for a Mutual No Contact Order and/or Location Restriction Order must contain the following information:

- The requesting individual's name and contact information (email and telephone);
- Name of individual(s) against whom the Mutual No Contact Order and/or Location Restriction Order is requested and, if known, affiliation with University (e.g., student, staff, non-affiliated), DU ID number, contact information (email and telephone) and residence (if known);
- Date of most recent incident;
- Residence of requesting individual; and
- A detailed description of the concern(s) underlying this request.

In addition, when the Associate Vice Chancellor for Equal Opportunity and Title IX initiates a Formal Investigation or Formal Resolution pursuant to the [Comprehensive Discrimination & Harassment Procedures](#) or the [Title IX Sexual Harassment Procedures](#), the Associate Vice Chancellor for Equal Opportunity and Title IX may issue a Mutual No Contact Order or Location Restriction Order without a party having requested one. When the Director of Student Rights & Responsibilities initiates a Case Resolution Meeting, the Director may issue a Mutual No Contact Order or Location Restriction without a party having requested one.

Factors Considered in Issuing a Mutual No Contact Order or Location Restriction Order

Upon receipt of a request for a Mutual No Contact Order and/or Location Restriction Order, or in assessing whether to issue a Mutual No Contact Order and/or Location

Restriction Order without a request, the Director of Students Rights and Responsibilities and/or the Associate Vice Chancellor for Equal Opportunity and Title IX (hereinafter referred to as the Deciding Administrator) will consider all facts and circumstances that may be relevant to the decision, including, but not limited to, the following factors:

- Whether the alleged conduct indicates an act of physical violence or threatened act of physical violence;
- Whether the alleged 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 the continued contact;
- Whether continued contact between the parties may negatively impact the University's investigation or response to the alleged conduct;
- Whether the issuance of a Mutual No Contact Order and/or Location Restriction Order is an appropriate form of Informal Resolution in response to a report that implicates the [Comprehensive Discrimination & Harassment Procedures](#) or the [Title IX Sexual Harassment Procedures](#); and
- Whether either party has made a good faith request for a Mutual No Contact Order and/or Location Restriction Order.

The Deciding Administrator may consult appropriate University officials in assessing the factors above. Such University officials may include, but are not limited to, the Director of Campus Safety, the Executive Director of Health & Counseling Center, and members of the CARE team.

Issuance of Mutual No Contact Orders and Location Restriction Orders

When the Deciding Administrator declines to issue a Mutual No Contact Order and/or Location Restriction Order when requested, the Deciding Administrator will notify the requesting party in writing by email to their University-issued email address.

When the Director of Student Rights and Responsibilities and/or Associate Vice Chancellor for Equal Opportunity and Title IX issues a Mutual No Contact Order and/or Location Restriction Order, the Deciding Administrator will notify both the requesting party and the receiving party in writing by email to their University-issued email address. Contemporaneous with issuing the Mutual No Contact Order and/or Location Restriction Order, the Deciding Administrator will meet or offer to meet with both parties regarding the content of the Mutual No Contact Order and/or Location Restriction Order.

The Mutual No Contact Order must contain the following information:

- Names of both parties subject to the Mutual No Contact Order;
- Explanation of what conduct/contact is prohibited;
- Timeframe or duration of the Mutual No Contact Order;

- Process to request the modification or rescission of the Mutual No Contact Order; and
- Explanation of consequences for failing to follow the Mutual No Contact Order.

The Location Restriction Order must contain the following information:

- Locations subject to the restriction;
- Timeframe or duration of the Location Restriction Order;
- Process to request the modification or rescission of the Location Restriction Order; and
- Explanation of consequences for failing to follow the Location Restriction Order.

The Deciding Administrator will copy the following University officials on the Mutual No Contact Order and/or Location Restriction Order:

- Director of Campus Safety
- Executive Director of Housing and Residential Education, if either party lives in a University owned or operated housing
- Director of Student Rights and Responsibilities, if issued by the Associate Vice Chancellor for Equal Opportunity and Title IX
- Faculty/Staff, as applicable by educational need

At the conclusion of the timeframe/duration of the Mutual No Contact Order and/or Location Restriction Order, or when one or both parties are no longer affiliated with the University, the Deciding Administrator will notify both parties in writing to their University-issued email address that the Mutual No Contact Order and/or Location Restriction Order is no longer in effect, and if applicable, how to request reinstatement of the Mutual No Contact Order and/or Location Restriction Order be reinstated.

Appeals/Rescission

There is no formal appeal process for Mutual No Contact Order and/or Location Restriction Order; however, an individual may seek modification or rescission of the Mutual No Contact Order and/or Location Restriction Order by making a request to the Deciding Administrator, who will consult with both parties to gather information pertaining to rescinding or modifying the Mutual No Contact Order and/or Location Restriction Order before determining whether to modify or rescind it. The parties will be notified in writing if the status of the Mutual No Contact Order and/or Location Restriction Order changes.