

Exeter College

No Contact Arrangement Policy

Introduction

1. The College aims to provide a safe environment in which students can focus on and pursue their education. As part of this, the College recognises that there will be circumstances when it is desirable to put in place arrangements to limit the contact between students who are in dispute while allowing them to continue their academic studies.
2. This guidance document provides information for students and staff at the College on the provision of No Contact Agreements (NCAs) and No Contact Orders (NCOs).
3. NCAs and NCOs may be put in place independently by the Welfare Dean or Sub-Rector, or as part of or parallel to other College procedures, including the College's disciplinary procedure, and the College's harassment policy.

General Principles

1. Both an NCO and an NCA are formal arrangements designed as protective measures to help mitigate the potential for future problematic interactions between students who are in dispute. More specifically:
 - i. A No Contact Agreement (NCA) is a mutual agreement, facilitated by the Welfare Dean, between students who voluntarily agree to measures to limit the likelihood of contact between them, except for that which is necessary for their academic studies.
 - ii. A No Contact Order (NCO) is an order from the Sub-Rector or from a Panel Appointed by Cases Committee imposing measures on particular students who are in dispute to limit the likelihood of contact between them, except for that which is necessary for their academic studies. An NCO may be imposed: (a) as an interim measure during disciplinary proceedings, (b) as a sanction at the outcome of disciplinary proceedings or, (c) where no disciplinary proceedings are taking place, there is good reason why they are not taking place, one or more students have declined to enter an NCA, and an NCO is deemed necessary to protect the wellbeing of the student(s) involved (see below, 4.a.ii).
2. An NCA/O imposed as (a) an interim measure during disciplinary proceedings or (b) a protective measure where disciplinary proceedings are not taking place is not punitive, involves no assumption of guilt on the part of any student, and should impose the minimum impact reasonably possible on the students involved.
3. The main purpose of an NCO imposed as a sanction should be to be protective of the student(s) involved.
4. An NCA/NCO will usually prohibit all forms of intentional communication, including, though not limited to, visiting, calling or sending messages to each other, either physically, electronically or through third-parties, unless required for academic purposes. It may include bans from certain areas of the College and/or timeframes in which access is prohibited.
5. The College is not empowered to restrict students' access to University property and facilities, or to other Colleges. Students seeking such arrangements will be directed to the University Proctors.
6. Any accidental contact is not considered a breach of an NCA/NCO.

7. An NCA/NCO is intended to protect students while they are students at the College and University, but the dispute giving rise to the NCA/NCO does not have to have occurred in a College or University context.
8. An NCA/NCO does not necessarily constitute a finding or allegation of a breach of any provision of the College's policies, rules or regulations, including the Disciplinary Code.
9. An NCA/NCO does not preclude the possibility of a future review of any conduct under the Disciplinary Procedure
10. Any breach of an NCA/NCO which occurs in a College or University Context may result in disciplinary proceedings for breaching section 6.1.j of the College's disciplinary code
11. An NCA/NCO will remain in effect until either it has been terminated in writing by the Welfare Dean and Sub-Rector, or the period for which the arrangement was in place has passed.
12. All requests for NCAs will be dealt with promptly.

No Contact Agreement (NCA)

1. If a student identifies a need to have a formal arrangement in place to limit contact with other student(s), they can approach the Welfare Dean and request an NCA.
2. A formal request for an NCA submitted to the Welfare Dean should be put in writing and include:
 - i. the contact restrictions sought;
 - ii. a statement acknowledging that if an NCA is put into place this will be a two-way agreement with restrictions on both parties;
 - iii. a brief outline of the dispute;
 - iv. that the student is satisfied that it is not reasonably possible for them to resolve the dispute in any other way (including identifying any formal steps taken to resolve the matter to date, such as the Student Resolution Service), and
 - v. that the student considers that the NCA is necessary because the dispute is having a significant impact on their wellbeing. The student should identify the impact on them, and should attach any evidence they have of that impact (eg a doctor's letter)
3. The Welfare Dean can answer queries about the NCA process.
4. The Welfare Dean will usually review the request within 1 week and decide whether it is fair and appropriate in all the circumstances to proceed with an NCA. The Welfare Dean will not consider the merits of the underlying dispute, but will focus on determining whether the apparent impact on the student making the request is sufficiently serious to justify an NCA.
5. The Welfare Dean has a discretion to refer any matter brought to Welfare Dean's attention to the Sub-Rector for possible disciplinary action if it is considered appropriate to do so.
6. The Welfare Dean will consider whether the requested restrictions are reasonable. If the Welfare Dean considers that they are not reasonable, the Welfare Dean will liaise with the student requesting the NCA to agree amendments to the proposal before continuing as set out below.
7. The Welfare Dean will then communicate the request to the other student(s) and invite comments on the proposal. The Welfare Dean will consider those comments and will then seek to liaise between all of the students involved to negotiate an agreed form of words, typically via email. The NCA should seek to impose the minimum impact reasonably possible on the students involved. Once the details have been agreed, the students involved will receive a letter confirming the terms of the agreement. The aim is to complete this process within 3 weeks of the request being made.

8. In the event that a student declines to enter into an NCA, and there is good reason why Disciplinary Procedures cannot be initiated, the Welfare Dean will consider whether it is fair and appropriate in all the circumstances to write to the Sub-Rector recommending the imposition of a No Contact Order under the terms of Section 4.a.ii of this policy.
9. If any student affected by an NCA wishes to change its terms at any time the student should contact the Welfare Dean who will liaise with the other student(s) involved to attempt to reach an agreed resolution.

No Contact Order (NCO)

1. A NCO may be issued by the Sub-Rector and/or a Panel appointed by Cases Committee under two conditions:
 - i. As a protective measure under the Disciplinary Procedure. This may be either as an interim measure during the investigation process, and/or as a sanction associated with a finding of a breach of the Disciplinary Code.
 - ii. Where the Sub-Rector has received information which has led them to consider, in consultation with the Welfare Dean, that the apparent impact on the wellbeing of the student making the request is sufficiently serious to justify restricting contact, one or more of the students have refused to enter into an NCA, and there is good reason why Disciplinary Proceedings cannot be initiated, the Sub-Rector may impose an NCO if they consider that it is fair and appropriate in all the circumstances to do so. An NCO imposed in these circumstances should seek to impose the minimum impact reasonably possible on the students involved.
2. An NCO may be a two way arrangement (for example, requiring that all parties must refrain from direct or indirect contact and/or abide by other restrictions) (this will usually be the case for an NCO imposed where an NCA has been rejected), or a one way arrangement (for example, one of the parties must refrain from direct or indirect contact and/or abide by other restrictions) (this will usually be the case for an NCO imposed as a sanction).
3. The Sub-Rector and/or Panel appointed by Cases Committee will communicate by writing the NCO to all parties involved. The NCO will come into effect either when sent to the student via email or at another time specified in the order. An NCO imposed under Section 4.a.ii will usually be put in place within 2 weeks of the refusal to agree to an NCA.
4. Any student subject to an NCO which was not put in place under the Disciplinary Procedure may appeal in writing the need for and/or terms of the NCO to the Cases Committee. Any such appeal should be addressed to the academic registrar.

By College Order 21/132, this policy was approved by Governing Body on 1st December 2021 with immediate effect from date], and is to be reviewed 31st December 2024, and was also approved for display on the website.