

# RESPONSIBLE EMPLOYEE GUIDE



## ABOUT OPHD

OPHD is a neutral office committed to safety, fairness, trauma-informed practices, and due process. We respond to and resolve complaints and reports by students, staff, faculty, and third parties of discrimination and harassment based on protected category (including sexual harassment and violence).

## WHO IS A RESPONSIBLE EMPLOYEE?

A Responsible Employee is any University Employee who is not a Confidential Resource. This includes graduate and undergraduate student employees, faculty, supervisors, managers, HR and Academic Personnel, and campus police.

If you learn, in the course of your employment, that **ANY** person affiliated with the University may have experienced Prohibited Conduct as defined by the UC SVSH Policy, you must promptly notify the Title IX Officer (OPHD Director) or their designee.

## HOW DO I FULFILL MY REPORTING OBLIGATIONS?

Contact OPHD as soon as possible by:

PHONE: 209-355-0352

EMAIL: [ophd@ucmerced.edu](mailto:ophd@ucmerced.edu)

WEBFORM: [ophd.ucmerced.edu/report](https://ophd.ucmerced.edu/report)

### WHAT INFORMATION DO I PROVIDE?

Names, dates, locations(s), incidents – any information you have needs to be relayed.

## WHAT GETS REPORTED?

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature.

**Sexual Violence:** Physical sexual acts are engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery and sexual coercion; domestic violence; dating violence; and stalking.

- Physical force, violence, threat or intimidation
- Ignoring objections or revocation of consent from the other person
- Causing the other person's intoxication or impairment through the use of drugs or alcohol
- Taking advantage of another person's impairment (including voluntary intoxication)

**Other Prohibited Behaviors:** Non-consensual sexual activity is engaged in, with or without the intent to harm another, but does not rise to the level of an assault. Misconduct occurs even when a person believes unreasonably that effective consent was given when it was not, or could not be, given.

- Electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images of another person
- Allowing third parties to observe sexual acts
- Engaging in voyeurism
- Distributing intimate or sexual information about another person

## REPORTING EXAMPLES

Do I report that a UC Merced student told me she had been slapped across the face by her date at a party? **Yes.**

Even if her date was not affiliated with UC Merced? **Yes.**

Even if the party was off campus? **Yes.**

Do I report that a student asked for interim measures (no contact orders, class/exam accommodation, etc.) due to domestic violence or stalking? **Yes.**

Even if they do not want to file a complaint? **Yes.**

Do I report that I overheard people in the quad discussing someone grabbing butts? **Not required.**

Would that be different if the person was specifically telling me about the grabbing? **Yes, then you would report if either the reporter or grabber is a UC Merced affiliate.**

Do I report that a UC Merced affiliate told me "something bad happened"? **Not required unless you have specific reason to know it relates to gender or sexual violence.**

## CONFIDENTIAL RESOURCES

- UC Merced CARE Advocate, 209-386-2051
- Counseling and Psychological Services (CAPS) STUDENTS ONLY, 209-228-4266 (24-hour hotline)
- Insight Employee Assistance Program EMPLOYEES ONLY, 800-422-5322
- Office of Ombuds, 209-228-4410
- Valley Crisis Center (Community Resource), 209-722-4357 (24-hour hotline)

# RESPONDING TO DISCLOSURES OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

When someone comes to you with a concern related to sexual violence and sexual harassment, it's crucial that you listen, support, and offer resources. You are also expected to share what you learned with the OPHD. To avoid retraumatization, please do not attempt to investigate. The following table offers tips on responding as a Responsible Employee.

TIPS ON HOW TO RESPOND	EXAMPLES ON WHAT YOU COULD SAY OR DO
Remind the person that you are not a confidential resource.	"Before we continue, it's important you know that as a campus employee, if I learn of any incident of sexual violence or sexual harassment, I am required to share that information with OPHD. Sexual violence and sexual harassment include sexual assault, relationship violence, stalking, sexual exploitation, invasions of sexual privacy, and retaliation. I'm letting you know this so that you can choose how much you want to share with me. I also want to let you know there are confidential resources available to you."
Create a comfortable and private environment. Appreciate the person for connecting with you.	"Thank you for trusting me, I imagine it can be difficult to share. Do you feel comfortable talking here or is there somewhere else you would prefer?"
Listen actively and respond without blame, doubt, or judgment, and without attempting to investigate.	"I want to support you, whatever you decide to do."
Offer a warm referral to the CARE and provide the Notice of Rights and Options for Survivors of SVSH.	"I want to help you get the support you deserve and information about your options. There are trained, confidential advocates at CARE who can help, whatever you decide. Let's call an advocate together and then you can decide if you want to make an appointment." Call the 209-386-2051 for confidential support. A warm person-to-person interaction and referral from someone familiar can make a huge difference for the impacted person.
Share what you learned with OPHD.	Contact OPHD by completing their online reporting webform, emailing <a href="mailto:ophd@ucmerced.edu">ophd@ucmerced.edu</a> , or calling 209-355-0352. For information, visit <a href="http://ophd.merced.edu">ophd.merced.edu</a> .
Take care of yourself.	Learning that someone you know experienced sexual violence or sexual harassment can be difficult. It is common to feel angry, sad, anxious, overwhelmed, and to experience symptoms of vicarious trauma or a reactivation of your own traumatic experiences. Remember that there are resources available to support you as well. Consider calling CARE at 209-386-2051 or calling Insight Employee Assistance Program at 800-422-5322, for confidential support.