

# Responsible Employee Quick Guide

According to the [University of California Policy on Sexual Violence and Sexual Harassment](#) (UC SVSH Policy), a Responsible Employee is “any University employee who is not a Confidential Resource. If a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee. This includes resident assistants, graduate teaching assistants, and all other student employees, when disclosures are made to them in their capacities as employees.”

## All Responsible Employees:

Must inform the Office for the Prevention of Harassment and Discrimination (OPHD, the campus Title IX Office) when they become aware, during the course of their work, that a **student** (including undergraduate, graduate, professional, online, visiting, and extension) has experienced Prohibited Conduct as defined by the UC Policy on SVSH.

## Faculty, managers, supervisors, human resources administrators, or academic personnel administrators have the following additional Responsible Employee obligation:

Must inform OPHD when they become aware, during the course of their work, that **anyone affiliated with the university** (including students, staff, and faculty) has experienced Prohibited Conduct as defined by the UC Policy on SVSH.

**Prohibited Conduct** includes sexual assault, sexual harassment, relationship violence, stalking, invasions of sexual privacy, and retaliation. Find the definitions of these and other terms in the [UC SVSH Policy](#).

## Responding to disclosures of sexual violence and sexual harassment

The Responsible Employee obligation is more than just reporting to OPHD. When someone comes to you with a concern that may be related to sexual violence and sexual harassment, it’s crucial that you listen, support and offer resources, in addition to sharing what you learned with OPHD. You should not investigate the report, and should not try to intervene or resolve the issue. The following table offers tips on responding as a Responsible Employee.

Tips for how to respond	Example of 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 with the Title IX Office, OPHD. Sexual violence and sexual harassment includes sexual assault, relationship violence, stalking, 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 casting 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 PATH to Care Center and provide the <a href="#">Notice of Rights and Options for Survivors of SVSH</a> .	<p>“I want to help you get the support you deserve and information about your options and rights. There are trained, confidential advocates at the PATH to Care Center who can help, whatever you decide. Let’s call an advocate together and then you can decide if you want to make an appointment.”</p> <p><i>Call the 24/7 Urgent Support Care Line: 510-643-2005 A warm person-to-person interaction and referral from someone familiar can make a huge difference.</i></p>
Share what you learned with OPHD.	Contact OPHD by emailing <a href="mailto:ask_ophd@berkeley.edu">ask_ophd@berkeley.edu</a> or calling 510-643-7985. For information, visit <a href="http://ophd.berkeley.edu">ophd.berkeley.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 one’s own traumatic experiences. Remember that there are resources available to support you as well. Consider calling the PATH to Care 24/7 Urgent Support Care Line or calling Employee Assistance at 510-643-7754 for confidential support.

## **Campus Security Authorities have additional responsibilities under the Clery Act.**

Please provide the [Notice of Rights and Options](#) to any reporting parties of sexual assault, dating violence, domestic violence, and stalking. If you are a Campus Security Authority and need to file a Clery crime report, please complete the [Clery Act Crime Reporting Form](https://forms.gle/GeCnn2wKff6dad2X8) (<https://forms.gle/GeCnn2wKff6dad2X8>). For more information on Campus Security Authority reporting obligations, please contact [clery@berkeley.edu](mailto:clery@berkeley.edu).

## **Responsible Employee FAQ**

### **1. How do I fulfill the reporting part of my obligation as a Responsible Employee?**

As soon as possible after receiving the disclosure and taking the steps described above, contact the Office for the Prevention of Harassment and Discrimination (OPHD), the campus Title IX Office, by emailing [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu) or calling 510-643-7985. For more information, visit [ophd.berkeley.edu](http://ophd.berkeley.edu).

### **2. What do I share with OPHD?**

You are expected to share all information that was shared with you about the incident of SVSH Prohibited Conduct, including names, contact information, and details of the incident (if provided). It is okay if you do not know everything about what occurred. You should NOT conduct an investigation, try to determine whether something actually occurred, or ask for more details. OPHD will thoroughly review all information shared with them. Avoid asking prying or blaming questions. Only provide information that you were told or you know.

Respect the privacy of the impacted person. While information must be provided to the Title IX office, Responsible Employees should not discuss the case with other people who do not have a legitimate need to know. In addition to OPHD, you should only share what you learned with your supervisor (if appropriate) and Confidential Resources. If you're unsure, OPHD can help determine if anyone else needs to receive the information.

As a Responsible Employee, you should report directly to OPHD, even if you are unsure that the incident actually occurred or unsure whether it constitutes sexual harassment or sexual violence. Similarly, even if you believe the incident may already have been reported to OPHD, as a Responsible Employee you should still contact OPHD and share what you know (others may not have shared the same information). It is each

Responsible Employee's duty to fulfill their reporting obligation. Remember, you **should not** investigate the report, and you **should not** try to intervene or resolve the issue.

It is the choice of the impacted person whether or not they want to report to or involve law enforcement. As a Responsible Employee, please do not make this choice for the impacted person.

### **3. What happens next?**

Once OPHD receives this information, OPHD will contact the impacted party to provide resources and information about the person's rights and options to report. The impacted person will always have a choice whether or not to respond to OPHD's outreach and/or participate in an action or investigation.

It is important to anticipate that you may see or work with the impacted person, as well as the parties involved in the misconduct, in the future. It is critical to maintain confidentiality, and to avoid asking anyone about the OPHD report, case, or investigation. Your interactions with all parties involved should prioritize kindness, professionalism, and respect.

### **4. Why does our campus have the Responsible Employee policy?**

The Responsible Employee obligations enable the University to promptly address reports of harassment and violence, by informing the individuals charged with taking action under University policy, thus helping foster a safer learning and working environment. Responsible Employees can assist by connecting impacted persons to campus resources that can help them learn about their rights, options, and resources, and make informed decisions.

### **5. Will I find out what happens with a case after I notify OPHD?**

Responsible Employees, witnesses, and other third parties will not be informed about the status of a case. The University prioritizes the privacy interests of those involved in SVSH reports as well as the integrity of complaint investigations and other resolution processes. Therefore, information is shared on a strict need to know basis.

Keep in mind that this information describes only the obligations of Responsible Employees. Other campus employee designations may have additional notification requirements, such as Campus Security Authorities under the Clery Act, or Mandated Reporters, who have notification responsibilities under state laws such as the California Child Abuse and Neglect Reporting Act (CANRA). Check if your job has other notification or reporting requirements in addition to being a Responsible Employee.

*Have questions about being a Responsible Employee? Contact the Office on the Prevention of Harassment and Discrimination (OPHD) by emailing*

[ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu) or calling 510-643-7985. For more information, visit [ophd.berkeley.edu](http://ophd.berkeley.edu).

**Disclaimer:** The Responsible Employee Quick Guide and attached FAQ are not formal parts of the [UC Policy on Sexual Violence and Sexual Harassment \(SVSH\)](#). The information found here should be considered as a resource for Responsible Employees. Where differences occur between this resource and University policy, University policy and procedure govern.

*Created by the Coordinated Community Review Team (CCRT) of the University of California, Berkeley. Last updated Spring 2021.*