

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 1 of 17

Associate responsible units: ADMO-HRS, SAO

Keywords: bullying, committee on gender equity, complaints, confidentiality, disciplinary action, gender equity, gender equity officer, harassment, sexual

Remarks: Chinese version is available as enclosed. Summary of Changes: 1. To revise the wording from "education" to "educational" and the chinese wording from "懲治雙軌並行" to "紀律措施並重" (Item 1.2); 2. To amend the Chinese translation of the definition of sexual harassment and sexual bullying (Items 2.1 and 2.2); 3. To elaborate the conditions of accepting complaints for further processing (Items 5.2c and 6.1); 4. To add the "Investigation Application Form for Sexual Harassment or Sexual Bullying Cases" as appendix 1.

1 General Principles

- 1.1 The Guidelines for Handling Sexual Harassment and Sexual Bullying Cases (hereafter referred to as the "Guidelines") aim to effect gender equity in the academic and working environment of the University. The Guidelines also serve to prevent and discipline behaviors of sexual harassment and sexual bullying.
- 1.2 The Guidelines emphasize both educational and disciplinary action.
- 1.3 The University regularly provides its staff members and students with information and training relevant to gender equity, as well as the awareness and avoidance of sexual harassment and sexual bullying.
- 1.4 It is essential that all the University members respect one another and the University strives to maintain an academic and work environment that is free from sexual harassment and sexual bullying.
- 1.5 The University has zero tolerance of sexual harassment and sexual bullying and will take prompt legal and disciplinary action where the case is substantiated.

2 Definition

- 2.1 Sexual harassment is an unwelcome or unwanted conduct of sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, visual, or physical conduct of sexual nature.

The University of Macau
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Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 2 of 17

-
- 2.2 Sexual bullying is any coercive behavior or act against somebody, through the use of any tool, technological or otherwise, based on or by taking advantage of their sexuality or gender regardless whether the behavior or act in question is physical, verbal or otherwise and regardless whether it is carried out in their presence or absence.

3 Applicability

- 3.1 The Guidelines apply to the staff and students of the University.

4 Committee on Gender Equity

- 4.1 The Committee on Gender Equity is established to promote gender equity and oversee the tasks related thereto.
- 4.2 Composition
- a) The Chair appointed by the Rector normally for a term of two years, and may be reappointed;
 - b) Two academic staff members recommended by the Vice Rector governing academic affairs normally for a term of two years, and may be reappointed;
 - c) Two administrative staff members recommended by the Vice Rector governing administration normally for a term of two years, and may be reappointed;
 - d) One student representative from the University of Macau Students' Union (UMSU) for a term of office subject to the recommendation of UMSU;
 - e) One student representative of the University of Macau Postgraduate Association (UMPA) for a term of office subject to the recommendation of UMPA;

The University of Macau
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Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 3 of 17

-
- f) Gender Equity Officer appointed by the Rector, serving as an ex-officio member of the Committee on Gender Equity without voting right;
 - g) A legal consultant with no voting right, appointed by the Chair to attend regular meeting and assist in legal issues;
 - h) A recording secretary with no voting right, appointed by the Chair to assist the Committee on Gender Equity.

4.3 Terms of Reference

- a) To promote gender equity in the University by way of publicity, education or any other means.
- b) To monitor the situation of gender equity in the University and assist in the investigation and handling of complaints when necessary.
- c) To devise, review and modify the guidelines, for handling the gender equity issues or any other related guidelines.
- d) To assist in instituting and implementing the University's gender equity initiatives.

4.4 Modes of Operation

- a) The Committee on Gender Equity shall meet at least once in each semester of an academic year. The minutes of the meeting shall be recorded in the Human Resources Section of the Office of Administration.
- b) Without violating the personal privacy or confidentiality, the Committee on Gender Equity may handle the affairs by way of circulating the documents among the members.

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 4 of 17

5 Gender Equity Officer

5.1 The Gender Equity Officer is appointed by the Rector normally for a term of two years, and may be reappointed.

5.2 Powers and Responsibilities

- a) The Gender Equity Officer shall provide information and advice to staff members and students with an objective of effecting a gender equity environment on campus.
- b) The Gender Equity Officer shall entertain formal complaint from any staff member or student who believes that he or she has been or is being sexually harassed or bullied. The Gender Equity Officer shall provide the complainant information and advice on the options and procedures of lodging a formal complaint including reporting to the police if the conduct under complaint appears to have constituted a criminal offence.
- c) The Gender Equity Officer has the authority to require all units in the University to report received complaints and offers advice on handling them. The Gender Equity Officer shall file all the complaints received which meet the conditions of 6.1
- d) The Gender Equity Officer attends the Committee on Gender Equity meetings as an ex-officio member.

6 The Processing of Complaints

6.1 Conditions of Accepting Complaints for Further Processing

- a) Complaint from any staff member or student who believes that he or she has been or is being subjected to sexual harassment or sexual bullying shall be processed when the complaint, written or verbal, is raised to the principal officers or the Gender Equity Officer with the Investigation Application Form for Sexual Harassment or Sexual Bullying Cases (See Appendix 1).

The University of Macau
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Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 5 of 17

- b) Complaint should normally be lodged within 12 months after the incident has taken place.
- c) Unless the complainant, or the complaint as the third party who remains anonymous or otherwise, has provided initial information for the investigatory purposes, the case shall not be accepted for further processing.

6.2 Complaint Procedures and Processing Time

- a) To lodge a complaint, the complainant needs to contact the respective unit heads or the Gender Equity Officer. If the complaint is lodged to the respective unit heads, it shall be transferred to the Gender Equity Officer for further handling within 3 working days.
- b) The Gender Equity Officer shall, within 5 working days of the receipt of the complaint, report the case to the Chair with his/her recommendations and brief the Chair of the measures taken and the result in relation to the case. When needed, the Gender Equity Officer could call a meeting with 2 to 3 members of the Committee (including the Chair) to discuss action on the case.
- c) Within 10 working days of receiving the recommendations of the Gender Equity Officer, the candidates of the investigation panel shall be nominated by the Committee on Gender Equity and appointed by the Chair to conduct and conclude the investigation within 30 working days upon receiving the recommendations from the Gender Equity Officer. The investigation panel shall consist of at least 3 panel members and at least one of the panel members should have the experience and knowledge in handling sexual harassment and sexual bullying cases.
- d) Within 10 working days of completion of its investigation, the investigation panel shall submit to the Chair a report which shall include a briefing of the measures taken, the result and recommendations. The Chair shall then submit the report to Rector within 5 working days of receipt of the report.

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 6 of 17

- e) Within 10 working days of receipt of the above said report, the Rector shall decide on the appropriate action to be taken in relation to the case and inform the Committee on Gender Equity about the decision. Once the Gender Equity Officer is informed of the Rector's decision, he/she shall inform the complainant of the decision in writing within 7 working days.
- f) On request by the Committee on Gender Equity with sound justifications provided, the Rector may grant an extension of the time limits stated in b) to e) of this item.

6.3 Confidentiality

The University shall exercise due care in handling all complaints and investigations to protect the privacy of all the parties concerned. In addition, all the records and documents related to the cases shall be treated in strict confidence.

6.4 Protection

A person, the accused or otherwise, shall be subject to disciplinary action where his or her action at all material time in relation to the complainant, any witness, any investigator, or any one assisting with investigation is seen to be retaliatory in nature and in violation of his or her duties.

6.5 Principles of Fairness

Once the complaint proceedings are initiated, the University will ensure that the involved parties, including the complainant, the accused, witnesses or persons assisting in the investigation be treated fairly including equal opportunity of defense and giving proofs.

6.6 Complaint in Bad Faith

Making a complaint in bad faith with the intention of misleading or deceiving shall constitute grounds for disciplinary action.

The University of Macau

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Document code:	RTO.04/201509/001.r03 (Chi)
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02 (Chi)

Page 7 of 17

性騷擾及性霸凌個案處理指引

1 總則

- 1.1 《性騷擾及性霸凌個案處理指引》（以下簡稱“本指引”）旨在推動大學學術與工作環境中的性別平等，同時預防及懲治性騷擾和性霸凌等行為。
- 1.2 本指引強調教育與紀律措施並重。
- 1.3 大學將定期為工作人員和學生提供有關性別平等以及認識和預防性騷擾和性霸凌等行為的信息和培訓。
- 1.4 大學全體成員應當相互尊重，大學應當維護其性別平等的學術及工作環境，免受性騷擾和性霸凌等行為的侵害。
- 1.5 大學絕不容忍性騷擾和性霸凌等行為。若相關投訴獲證實，大學將及時開展紀律程序，實施法律及紀律處分。

2 定義

- 2.1 性騷擾是指不受歡迎或不為他人接受的、並且與性有關的行為，包括不受歡迎的性挑逗、性要求及其他語言、非語言、視覺或肢體上的性暗示行為。
- 2.2 性霸凌是指通過科技或其他工具，基於或利用他人的性取向或性別而對其作出的脅迫行為，不論是肢體、言語還是其他方面的行為，也不論當事人是否在場。

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03 (Chi)
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02 (Chi)

Page 8 of 17

3 適用範圍

3.1 本指引適用於澳門大學的工作人員及學生。

4 性別平等委員會

4.1 大學設立性別平等委員會以推動性別平等及監督有關工作。

4.2 組成

- a) 主席，由校長委任，任期一般為兩年，可續任；
- b) 由負責管理學術事務的副校長建議之教學人員兩名，任期一般為兩年，可續任；
- c) 由負責管理行政事務的副校長建議之行政人員兩名，任期一般為兩年，可續任；
- d) 澳門大學學生會的代表一名，任期由學生會建議；
- e) 澳門大學研究生會的代表一名，任期由研究生會建議；
- f) 由校長委任之性別平等專員，擔任委員會當然成員，無投票權；
- g) 一名負責出席委員會會議及協助法律事務的法律顧問，由主席委任，無投票權；
- h) 一名負責記錄的秘書，由主席委任，無投票權。

4.3 職權

- a) 通過宣傳和教育及其他方式推動大學的性別平等。

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03 (Chi)
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02 (Chi)

Page 9 of 17

- b) 監督大學的性別平等狀況，並在有需要時協助調查及處理投訴。
- c) 制定、檢討及修訂處理性別平等事務的指引或其他有關指引。
- d) 協助制定及實施大學的性別平等計劃。

4.4 運作

- a) 性別平等委員會每學期最少舉行一次會議，會議記錄由行政部人力資源處存檔。
- b) 在不違反個人私隱或保密原則情況下，性別平等委員會可以書面傳閱方式處理事務。

5 性別平等專員

- 5.1 性別平等專員由校長委任，任期一般為兩年，可續任。

5.2 職責

- a) 向工作人員及學生提供信息和諮詢服務以營造性別平等的校園環境。
- b) 接受任何認為自己一直或正在遭受性騷擾或性霸凌的工作人員及學生所提出的正式投訴，並就處理方案和投訴程序向投訴人提供信息和建議，包括投訴所指的行為若涉及刑事犯罪，向警方報案。
- c) 性別平等專員有權要求大學各單位向其匯報收到的有關投訴，亦可建議投訴的處理方式，並應將收到符合 6.1 的所有投訴立案。
- d) 作為當然成員列席性別平等委員會會議。

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03 (Chi)
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02 (Chi)

Page 10 of 17

6 投訴個案處理

6.1 受理條件

- a) 如有任何職員或學生認為自己曾經遭受或現正遭受性騷擾或性霸凌，而向主管或性別平等專員作出書面或口頭投訴，並向性別平等專員提交性騷擾或性霸凌事件調查申請書（請見附件一），其投訴皆應予以受理；
- b) 投訴一般應在事件發生後十二個月內提出。
- c) 作出投訴時，包括第三方作出的投訴或匿名投訴，投訴人應提供基本資料以作調查之用，否則有關投訴不被受理。

6.2 投訴程序及時限

- a) 當事人可向相關部門主管或性別平等專員提出關於性騷擾或性霸凌等行為的投訴。相關部門主管收到有關投訴後，應於三個工作日內將個案轉交性別平等專員處理。
- b) 性別平等專員應於收到投訴個案之日起五個工作日內向主席報告投訴個案及提出建議，綜合列明曾所採取的措施及獲得的結果。如有需要，性別平等專員可與二至三名性別平等委員會成員（包括主席）開會，討論個案所應採取的措施。
- c) 收到性別平等專員建議之日起十個工作日內，性別平等委員會應提名調查小組成員並由性別平等委員會主席作出委任。調查小組應至少有三名組員，其中至少有一名組員具備處理性騷擾或性霸凌事件的經驗及知識。調查小組須於收到性別平等專員建議之日起三十個工作日內完成調查。
- d) 調查小組應於調查完成後十個工作日內向主席提出建議，綜合列明曾所採取的措施及獲得的結果。主席應於收到建議後五個工作日內通知校長。

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	RTO.04/201509/001.r03 (Chi)
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02 (Chi)

Page 11 of 17

- e) 校長應於收到建議後十個工作日內決定應採取之行動，並通知性別平等委員會有關決定。性別平等專員在收到校長決定後七個工作日內須以書面方式通知投訴人有關決定。
- f) 如有合理理由並經性別平等委員會建議，校長可延長本款 b)至 e) 所指之期限。

6.3 保密原則

大學應謹慎處理所有投訴及調查，以保障相關各方的私隱。此外，與投訴有關的任何紀錄或文件，均應嚴格保密。

6.4 保護措施

包括被舉報人在內的任何人，在與個案相關的任何時候，都不得對舉報人、證人、調查人員或協助調查的人員做出任何被視為具有報復性質並違反其義務的行為，否則將受到紀律程序處理。

6.5 公平原則

任何正式投訴程序開始後，大學將確保相關各方，包括舉報人、被投訴人、舉證人以及協助調查的人員得到公平對待，包括確保平等的辯護和舉證機會。

6.6 惡意投訴

以誤導或欺騙為目的作出惡意投訴的行為將受到紀律程序處理。

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 12 of 17

Confidential

Investigation Application Form
For Sexual Harassment or Sexual Bullying Cases

Information of the Complainant

(*Mr./Mrs./Ms.) Name: _____ (Chinese) _____ (English)

*ID/Passport Number: _____ Date of Birth: _____

(DD/MM/YYYY)

*Occupation: UM Student/UM Staff/Others (specify) _____

Faculty/Unit: _____ *Student/Staff Card Number: _____

Contact Number: _____ Email Address: _____

Contact Address: _____

Email Address: _____

Information of the Representative of the Complainant (if any)

(*Mr./Mrs./Ms.) Name: _____ (Chinese) _____ (English)

Relationship with the Complainant: _____ Date of Birth: _____ (DD/MM/YYYY)

*ID/Passport Number: _____ Occupation: _____

Contact Number: _____ Email Address: _____

Contact Address: _____

I agree that the person mentioned here will serve as my representative regarding my complaint.

Signature of the Complainant: _____

I agree to be the representative of the Complainant:

Signature of the Representative: _____

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page **13** of **17**

Third Party Informant

(*Mr./Mrs./Ms.) Name: _____ (Chinese) _____ (English)

Relationship with the Complainant: _____ Date of Birth: _____ (DD/MM/YYYY)

*ID/Passport Number: _____

*Occupation: UM Student/UM Staff/Others (specify) _____

Faculty/Unit: _____ *Student/Staff Card Number: _____

Contact Number: _____ Email Address: _____

Contact Address: _____

Complaint Details

*Basis of Complaint: Sexual Harassment/Sexual Bullying/Others (specify) _____

(*Mr./Mrs./Ms.)Name of Alleged Perpetrator: _____ (Chinese) _____ (English)

*Occupation: UM Student/UM Staff/Others (specify) _____ Faculty/Unit: _____

Date and Time of the Incident: _____ (DD/MM/YYYY) *AM/PM _____ (HH/MM/SS)

Location of the Incident: _____

Description of the Incident: _____

(If the space is insufficient, please use separate sheets for details or explanations.)

Physical Evidence:

☐ Yes (specify and attach: _____)

☐ No

Witness:

☐ Yes (provide information as the following)

☐ No

(*Mr./Mrs./Ms.) Name: _____ (Chinese) _____ (English)

Relationship with the Complainant: _____ Contact Number: _____

Contact/Email Address: _____

☐ Attach information of other _____ witness(es)

*Please strike out the inappropriate one.

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page **14** of **17**

Suggestion Requested by the *Complainant/Representative of the Complainant:

The information provided in this complaint application form is true and correct.

<hr/>	<hr/>
*Signature of the Complainant/Representative	Date (DD/MM/YYYY)
of the Complainant/Third Party Informant	

Notes: All information provided in this complaint will be kept confidential except for the purpose of investigation or concern for public safety. Information of this complaint is subject to revision by Complainant/Representative of the Complainant/Third-party Informer. The Committee on Gender Equity (CGE) is authorized to transfer the information provided to the investigation panel. The original copy of this complaint and other supporting will be handled by the CGE and will not return to the Complainant in general terms.

Authorized Office Use Only

Name of Recipient: _____ Position: _____ Faculty/Unit: _____
Complaint Received on: _____ (DD/MM/YYYY) *AM/PM _____ (HH/MM/SS)

*Please strike out the inappropriate one.

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 15 of 17

密件

性騷擾或性霸凌事件調查申請書

投訴人資料

(*先生/女士) 姓名：_____ (中文) _____ (英文)

*身份證/護照號碼：_____ 出生日期：_____年_____月_____日

*職業：澳大學生/澳大職員/其他 (請列明) _____

所屬學院/單位：_____ *學生/員工證號碼：_____

聯絡電話：_____ 電郵地址：_____

通訊地址：_____

投訴代理人資料 (如有)

(*先生/女士) 姓名：_____ (中文) _____ (英文)

與投訴人的關係：_____ 出生日期：_____年_____月_____日

*身份證/護照號碼：_____ 職業：_____

聯絡電話：_____ 電郵地址：_____

通訊地址：_____

本人謹此同意上述人士為投訴代理人，協助本人處理本人的投訴。

投訴人簽署：_____

本人同意擔任投訴人的投訴代理人。

投訴代理人簽署：_____

*請刪去不適用者

The University of Macau
Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 16 of 17

由第三方作為舉報人

(*先生/女士) 姓名：_____ (中文) _____ (英文)

與投訴人的關係：_____ 出生日期：_____ 年 _____ 月 _____ 日

*身份證/護照號碼：_____

*職業：澳大學生/澳大職員/其他 (請列明) _____

所屬學院/單位：_____ *學生/員工證號碼：_____

聯絡電話：_____ 電郵地址：_____

通訊地址：_____

投訴事實內容

*類別：疑似性騷擾/性霸凌事件/其他 (請列明) _____

(*先生/女士) 行為人姓名：_____ (中文) _____ (英文)

*職業：澳大學生/澳大職員/其他 (請列明) _____ 所屬學院/單位：_____

事件發生時間：_____ 年 _____ 月 _____ 日 *上午/下午 _____ 時 _____ 分

事件發生地點：_____

事件發生過程：_____

(如不敷應用，請用另紙填寫。)

相關物證：

☐ 有 (如有，請列明並附上：_____)

☐ 沒有

相關證人：

☐ 有 (請提供證人資料)

☐ 沒有

(*先生/女士) 姓名：_____ (中文) _____ (英文)

與投訴人的關係：_____ 聯絡電話：_____

通訊地址：_____

☐ 另附其他 _____ 個證人資料

*請刪去不適用者

The University of Macau

Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

Document code:	Appendix 1 of RTO.04/201509/001.r03
Approval date:	25 April 2018
Effective date:	4 May 2018
Supersedes:	RTO.04/201509/001.r02

Page 17 of 17

*投訴人/投訴代理人有以下要求：

*投訴人/投訴代理人確認在本投訴表格內填寫的資料皆屬正確無誤。

*投訴人/投訴代理人/第三方簽署

日期

註：本申請書所載當事人相關資料，除有調查必要或基於公共安全之考慮外，應予保密。資料當事人有權要求取得及更改作出此投訴時所遞交的個人資料。為達上述目的，委員會或會把所提供的個人資料轉交予委員會所委任的調查人士。本表格正本及投訴人提交的資料會由委員會全權處置，一般而言不會交回投訴人。

收件單位確認（由校方人員填寫）

收件人姓名：_____ 職稱：_____ 所屬學院/單位：_____

接獲投訴時間：_____年_____月_____日 *上午/下午 _____時_____分

*請刪去不適用者