



## Rules on Filing and Settlement of Complaints and Disputes

To safeguard a decent and friendly working environment and promote mutual respect and cooperation among all staff and students, the University of Saint Joseph has introduced the following Rules on Filing and Settlement of Complaints and Disputes.

### 1. Basic Principles

- 1.1. Application of the Rules. These Rules provide the general guidelines for the filing and handling of complaints and disputes between staff members and/or students of the University that are not governed by the Anti-Discrimination and Anti-Harassment Policy and other special policies of the University.
- 1.2. The right to file complaints and disputes. Any individual who is a staff member or student of the University has the right to file a complaint of any misconduct and to file a dispute on an action of another staff member or student if he or she has a reasonable ground to believe that the misconduct or action is an infringement of his or her rights or a violation of the laws of Macau, regulations of the University or the generally recognized basic standards of ethics in a civilized society.
- 1.3. Complaint/dispute settlement. Everyone should understand that the University provides a variety of informal mechanisms of dispute resolutions and grievance settlement including private counselling, peer consultation, mediation and reconciliation. Filing a formal complaint or dispute may start a lengthy formal process of investigation within the University, and so should be used only when other solutions have failed or been deemed inappropriate.
- 1.4. Lawfulness, fairness and efficiency. The University's procedures for the handling and settlement of complaints and disputes must be lawful, fair and efficient. The University and all parties involved shall abide by the laws of Macau as well as the University's regulations and policies and respect the terms of reference in any contract. The procedures shall be fair to both parties and the stakeholders of the University. A dispute shall be settled in an efficient way without undue delay and causing the least possible damage to the friendly working environment and the best interests of the parties involved.

### 2. Filing of complaint and Dispute

- 2.1. Initial consultation. It is highly recommended that anyone who plans to file a complaint or dispute first consult his or her superior, the head of the relevant office, the dean, or a member of the Executive Council of the University. This informal consultation shall be private and confidential unless reporting to the employer or disclosure to the public authorities is specifically required by a contract or written policy of the University or the law of Macau.
- 2.2. Formal complaint or dispute. Anyone who decides to file a formal complaint of misconduct or a dispute on an action of another person shall submit a written statement to an Officer of the University. This Officer may be the supervisor or superior of the complainant, the head of the relevant office, the dean, a member of the Executive Council, the Rector, or the Chancellor of the University. The submission can be made by registered mail or in person.
- 2.3. Limitation. The complaint or dispute should be filed promptly and no later than within 3 months of the last incident of perceived misconduct or wrongful action, unless there are extraordinary



circumstances that prevented the complainant from doing so. Such circumstances should also be specifically explained in the complaint or dispute statement.

3. The essential elements of a complaint or dispute statement.

The written complaint or dispute statement should state:

- (1) Basic information of the complainant, including his/her full name, age, gender, status in or relation with USJ, telephone number, email address, USJ student number or official identity card number. An anonymous report is not considered as a complaint or dispute.
- (2) Basic information of the opposing party, including his/her name, status in or relation with USJ, and any other information that can help to identify this person.
- (3) Description of the misconduct or wrongful action, including the date and time, location, the behaviour, sequence of events, harm and consequences.
- (4) Description of evidence, such as witnesses of the incident, documents and emails. Available documentary evidence and written testimonies shall be submitted as attachments to the complaint or dispute.
- (5) Request of corrective action or protection.
- (6) Consent to the disclosure of the complaint or dispute both to the accused person and the relevant persons to be contacted by the University.
- (7) Signature of complainant on every page of the written statement.
- (8) The date when the complaint or dispute is filed.

4. Complaint/dispute resolution process

- 4.1. Informal intervention. The Officer who receives the complaint shall assess the situation and consider an informal intervention, which may be in the form of discussion and mediation. However, the parties may refuse to accept this informal intervention and demand the initiation of formal intervention by a Complaint/Dispute Resolution Committee.
- 4.2. Report and transfer of documents. If the informal intervention fails to reach an agreement or is rejected by either one of the parties involved, the Officer shall immediately report to the Rector in writing and transfer all the relevant documents to the Rector's Office.
- 4.3. The Rector shall set up a Committee of three members to review the submission and launch an investigation of the Case.
- 4.4. Notice to the other party. The Committee shall notify the opposing party in writing that a Case has been filed against him or her. The notification will also state the name of the complainant and the issue of the Case with an attachment of a copy of the complaint or dispute statement.
- 4.5. The hearing. The Committee shall conduct a closed-door hearing of the Case. Both parties shall attend the hearing and answer questions raised by the other party and the Committee members. The Committee may interview the witnesses, demand documents from relevant offices or individuals in the University, and conduct further investigation and additional hearings. All relevant offices and individuals shall provide assistance to the Committee.
- 4.6. Burden of proof. The burden of proof is always with the party who claims a fact or initiates an action against the other party. If the party fails to prove the fact or justify the action, he or she shall lose the case.
- 4.7. The Decision. The Committee shall make a written decision on the Case based on the majority opinion, within one month after the completion of the hearing(s). This decision is final.



- 4.8. Corrective actions. The Decision shall include corrective actions. If a disciplinary action is desirable, the Committee shall make a recommendation to the Rector, who shall make a decision in writing within one month after the recommendation is made.
5. Confidentiality. All parties should respect a reasonable level of confidentiality of all other parties involved and in the process. The discussion of a complaint or dispute shall be limited to those that need to know.
6. False complaint and information. The complainant should understand that it is a violation of ethics and/or law to file a false complaint or provide false information. Such wrongdoings will also be subject to investigation and appropriate disciplinary actions.
7. Legal remedies. Anyone who believes an incident of misconduct or wrongful action has violated the law of Macau may seek legal remedies in a court of law, with or without filing a complaint or dispute to the university. It is helpful if he or she notifies the university.
8. Report of crime. Anyone who believes he or she has become a victim of crime because of an incident of misconduct should report it to the police in Macau, with or without filing a complaint to the university. It is helpful if he or she notifies the university.

The right to interpret the provisions hereof rests with the Executive Council of the university.