



## **Anti-Discrimination and Anti-Harassment Policy**

To foster an environment of respect for equal rights and human dignity, the University of Saint Joseph has introduced this Anti-Discrimination and Anti-Harassment Policy after consultation with the Academic Council and approval by the Executive Council.

### **1. Policy Statement**

University of Saint Joseph is committed to the implementation of the constitutional principle of equality under Article 25 of the Basic Law of Macau Special Administrative Region. All faculties, staff, and students of the university are responsible for maintaining a positive learning and working environment. Discrimination and harassment are strictly prohibited. Complaints of alleged discrimination or harassment shall be subject to effective investigation. Individuals who violate this Policy because of discriminative or harassing conduct, or filing false complaints, shall be subjected to corrective action.

### **2. Definitions**

2.1. **DISCRIMINATION:** Discrimination means unreasonably treating an individual or group of individuals differently based on nationality, race, gender, age, religion, political or ideological belief, education or cultural background, wealth, social status or any other category defined by the law.

2.2. **HARASSMENT:** Harassment means verbal or physical discriminatory conduct by an individual that is so severe or persistent that it causes a serious impact on the ability of the victim to participate in or benefit from the university's educational and/or employment opportunities, programmes or activities. Harassment includes sexual harassment, bullying, stalking and other wrongdoings of the same nature. These wrongdoings can occur during or after school hours, on campus or in a neighbourhood, face-to-face or on the internet, through social media or by other means.

2.3. **SEXUAL HARASSMENT:** Sexual harassment refers to unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experience; or
- Submission to or rejection of such conduct is used as a basis for adjustment of salary, or other benefit changes affecting an employee, or academic decisions affecting a student; or
- Such conduct creates an intimidating, hostile, or offensive working/learning environment. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

2.4. **BULLYING:** Bullying is intentional, repetitive and/or aggressive behaviour that can take the form of physical or verbal harassment and involves a real or perceived imbalance of power.



Bullying behaviour can include insulting, attacking, taunting, humiliating or embarrassing someone in public, spreading rumours, and so on.

2.5. STALKING: Stalking is intentional, repetitive and/or aggressive pursuit, following, which causes serious interference with the peace and/or safety of another person.

### **3. Procedures**

3.1. Reporting: Anyone who believes that he or she experienced or witnessed an incident of discrimination or harassment shall promptly file a written complaint to the University in English or one of the official languages of the Macau SAR.

- (1) Anyone who intends to file a complaint shall complete the Discrimination and/or Harassment Reporting Form (See Annex) and deliver it in a sealed envelopment to the Central Services Office (CSO) of the University in person or by registered mail. Available documentary evidence and written testimonies shall be submitted as attachments to the Form in the same envelop. Anyone may obtain the Form at the front counter of CSO or download it from the website of the University.
- (2) If the complainant decides not to use the Form, he or she shall provide the same information that is required in the Form and deliver the signed written complaint together with the available evidence in a sealed envelop to the CSO in person or by registered mail. An anonymous report is not considered as a complaint.
- (3) The staff of CSO who receives the complaint at the front counter or in the mail shall date and sign the envelop and deliver it to the Rector's Office within 1 working day. The staff should not read the content of the complaint and should handle the submission as a confidential matter. The Rector's Office shall bring the complaint to the attention of the Rector or the Vice Rector responsible within 4 working days after receiving it.
- (4) The complaint should be made no later than within 3 months of the last incident of perceived discrimination or harassment, unless there are extraordinary circumstances that prevented the complainant from doing so. Such circumstances should also be specifically explained in the complaint.
- (5) The complainant should understand that whoever receives the complaint on behalf of the university will pass it on to the Rector or Vice Rector responsible within 5 workings days after the complaint is filed. The complainant will receive a written notice of the preliminary decision of the Rector or Vice Rector responsible from the Rector's Office within 15 working days (or in due course).
- (6) The complainant should understand that the university will notify the accused person in writing that a complaint has been filed. The notification will also provide the name of the complainant and details of the allegations. The University shall not disclose the complainant's Macau Resident Identity Card number, passport number, residential address and private telephone number to the accused person.

3.2. THE RECTOR or Vice Rector responsible shall, within 5 working days after receiving a complaint, request an officer of the university to conduct a preliminary review of the



complaint and determine if there is legitimate ground to set up an Investigative Committee. The preliminary review shall be completed within 5 working days. If it is necessary to seek legal advice, the preliminary review shall be completed within 10 working days. The Rector's Office shall serve a written notice of the preliminary decision of Rector or Vice Rector responsible to the complainant in due course.

The officer in charge of the preliminary review, upon completing the preliminary review, may also propose to the Rector or Vice Rector responsible to arrange University presided meetings between the two parties for the purpose of reconciliation, if both parties fully agree to have these meetings. Such meetings shall start within 5 working days after the preliminary review is completed and end within 15 working days after they start. The written agreement of reconciliation reached by the parties and presided by the university is binding to both parties. When the parties fail to reach an agreement of reconciliation, the university shall launch the investigation of the complaint immediately.

**3.3. PRIVACY AND CONFIDENTIALITY:** To the extent possible, the university will protect the privacy and confidentiality of all parties. In principle, all records of the complaint, investigation and decision shall be kept confidential. It may become necessary, however, to disclose information during or after the course of an investigation.

**3.4. INVESTIGATION:** The Committee shall conduct a prompt, thorough and neutral investigation of any complaint. The Committee shall hear from both the complainant and the respondent, interview the witnesses, and review the evidence. The burden of proof is on the shoulder of the complainant.

During the investigation, both parties may request university presided reconciliation. The Committee shall consider this proposal and decide whether or not to approve it based on the nature of the complaint filed, facts found and evidence collected. The written agreement of reconciliation reached by the parties and presided by the university is binding to both parties.

**3.5. FALSE COMPLAINT AND FALSE INFORMATION:** It is a violation of this Policy when a person knowingly or recklessly alleges a false complaint of discrimination or harassment or provides false information during the course of an investigation. The victim of a false complaint may file a counter-complaint. False complaints and false information shall be subject to investigation by the Committee.

**3.6. DETERMINATION AND CORRECTIVE ACTION:** The Committee shall deliver a written report on whether or not there is a violation of this policy within 60 days from having received the complaint, absent extenuating circumstances. The report shall describe (1) the complaint received, (2) the investigative process, (3) the evidence, (4) the findings of the investigation, and (5) if it is determined that there is a violation, the corrective action(s). Appropriate



corrective actions may range from verbal or written reprimands, suspensions, dismissal or termination of contract, in accordance with established USJ student and staff regulations. The Committee may also recommend preventive measures to the university.

**3.7. APPEAL:** If an individual disagrees with the decision made by the Committee, he or she may file a written appeal within 30 days after receiving the decision, together with the relevant documents and evidence if any, to the Executive Council of the university. The Executive Council shall review the case and deliver a decision within 60 days from the receipt of the appeal.

**3.8. LEGAL REMEDY:** Everyone has the right to seek the appropriate legal remedies in a court of law.

**3.8.1. CRIMINAL OFFENCE:** Incidents of the nature of criminal offence shall be reported to the police department. The emergency number to contact the police is (853) 999 or (853) 28577577.

**3.8.2.** After the complainant reports the incident to the police or starts legal proceedings, the university shall suspend its investigation immediately. Upon completion of the police intervention or the legal proceedings, the university may decide, given the results of the police intervention or the legal proceedings, whether or not to resume the investigation and take a corrective action.

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

Effective Date: February 3, 2015

Approval: The original Policy was approved by the Executive Council of University of Saint Joseph on February 3, 2015, and this revised Policy is approved by the Executive Council of University of Saint Joseph on January 17, 2017.

Annex: Discrimination and/or Harassment Reporting Form



## 反歧視和反騷擾政策

為維護尊重平等權利和人類尊嚴的環境，經教務委員會商議及理事會批准，聖若瑟大學茲發佈本項反歧視和反騷擾政策。

### 1. 政策陳述

聖若瑟大學致力於貫徹澳門特別行政區基本法第 25 條規定之平等這一憲法性原則。本校所有的教師、員工和學生都有責任維護積極的學習和工作環境。嚴禁任何歧視和騷擾。凡是關於被認為是歧視和騷擾的投訴均應當受到有效的調查。任何因歧視或騷擾行為或虛假投訴而違反本項政策的個人均應當受到糾正處分。

### 2. 定義

2.1. **歧視**：歧視是指基於國籍、種族、性別、宗教、政治或意識形態的信仰、教育或文化背景、財富、社會地位或法律規定的其他類別不合理地差別對待任何個人或群體。

2.2. **騷擾**：騷擾是指某個人的歧視性的言行具有嚴重性或持續性，以致對被害人參與或受益於本校的教育及/或就業機會、課程或活動的能力造成了嚴重的影響。騷擾包括性騷擾、霸凌、尾隨或其他性質相同的不當行為。這些不當行為的發生可在上課時或課後，在校園內或社區中，當面或通過互聯網，經由社交平臺或其他方式。

2.3. **性騷擾**：性騷擾是指在以下情況下發生的不受歡迎的性挑逗、性要求及其他具有性的性質的言行：

- 明示或暗示地以他人的就業或學業為條件要求其接受以上行為；或者
- 將接受或拒絕上述行為作為影響任何雇員的工資變動、福利改變或對學生有影響的學術決定的基礎；或者
- 上述行為造成了一種具有威脅性、敵意的或冒犯性的工作/學習環境。

性騷擾不是指被社會所認可的、一定場合中的恭維致意行為。

2.4. **霸凌**：霸凌是指故意的、反復的及/或攻擊性的行為，它可表現為身體或口頭的騷擾並包含實際或被認為的權力上的不對稱。霸凌行為可包括侮辱、攻擊、嘲弄、公然羞辱他人、傳播謠言等等。

2.5. **尾隨**：尾隨是指故意、反復及/或攻擊性的追擊、跟蹤，並導致對他人的安定及/或安全造成嚴重干擾。

### 3. 程序

3.1. **舉報**：任何認為經歷或目睹了歧視或騷擾的人應當使用英文或澳門特別行政區的官方語言之一迅速地向大學提出書面投訴。



1. 任何有意提出投訴的人應當填寫《歧視及/或騷擾事件投訴表》(見附件)並親自或以掛號信方式將置於封口的信封中的表格送交本校校務部。現有證據應當作為附件一併送交。任何人均可以在校務部前臺或從本校網站下載獲得此表。
2. 如果投訴人決定不使用此表，他或她應當提供此表要求的同類資訊並親自或以掛號信方式將置於封口的信封中的書面投訴連同現有證據送交校務部。匿名報告不被視為投訴。
3. 在前臺或者從郵件中接收到表格或投訴的校務部職員應當在收到表格或投訴時在信封上面注明收到日期並簽名，然後，於一個工作日之內送交校長辦公室。該職員不得閱讀投訴的內容，而且，應當將接受投訴視為保密事務。校長辦公室應當在收到後四個工作日內向校長或分管副校長報告投訴。
4. 投訴應當於最後發生的歧視或騷擾事件發生後的 3 個月內提出。若受異常因素影響而導致延誤投訴，應當在投訴中提供具體解釋。
5. 投訴人應當知悉投訴提交後將在 5 個工作日內被轉交給校長或分管副校長，投訴人將在 15 個工作日之內（或適當的時候）收到由校長辦公室發出的一份書面通知告知校長或分管副校長的初步決定。
6. 投訴人應當知悉大學將以書面通知被投訴人有人針對他或她提出了投訴。該通知將提供投訴人的姓名和指控的細節。大學不得向被投訴人披露投訴人的澳門居民身份證號碼，護照號碼，住所地址和私人電話號碼。

3.2. 校長或分管副校長在收到投訴後的 5 個工作日之內指定大學的一位主管人員對投訴進行初步審查以確定有無設立調查委員會的正當理由。初審應當在 5 個工作日之內完成。如果需要徵求法律意見，初審可延至 10 個工作日完成。校長辦公室應當在適當的時候將校長或分管副校長對投訴的初步決定以書面通知投訴人。

負責初步審查的主管人員也可以在審查結束時向校長或分管副校長建議，在當事人雙方同意的條件下，由大學主持安排當事人雙方會談，進行和解。會談應當在初審完成後 5 個工作日內開始，在開始後 15 個工作日內結束。在大學主持下當事人達成的書面和解協議對各方具有約束力。對未能達成和解協定的投訴，大學應當立即啟動調查程序。

3.3. 隱私和保密：大學將盡可能保護所有各方的隱私和秘密。原則上，關於投訴、調查和決定的所有記錄都應當保密。但是，在調查期間或調查之後也有可能必須披露資訊。

3.4. 調查：委員會應當對任何投訴進行迅速、徹底和中立的調查。委員會應當聽取投訴人和被投訴人的意見，召見證人，並審查證據。舉證責任由投訴人承擔。

在調查期間，當事人雙方也可以要求在大學主持下進行和解。委員會應當考慮這一建議，並根據投訴的性質和已經查明的事實及收集的證據決定是否批准其建議。在大學主持下當事人達成的書面和解協議對各方具有約束力。



3.5. 虛假投訴和虛假資訊：任何人故意或魯莽地提出關於歧視或騷擾的虛假投訴或在調查過程中提供虛假資訊均屬於違反本項政策。虛假投訴的被害人可以提出反訴。虛假投訴和虛假資訊應當受到委員會的調查。

3.6. 決定和糾正處分：委員會應當在其收到投訴之後的 60 天內提出報告，確定是否發生了違反本項政策的行為。這份報告應當描述的內容是（1）收到的投訴，（2）調查過程，（3）證據，（4）調查的發現，以及（5），如果確定有違反政策的行為，糾正處分（一種或一種以上）。適當的糾正處分可以包括依據聖若瑟大學的學生和職員規章予以口頭或書面的批評，暫時中止，除名或終止合約。委員會也可以向大學建議採取預防性的措施。

3.7. 上訴：任何人如對委員會的決定持有異議，均可於收到決定之日起 30 天內向大學理事會提出書面上訴，並一同遞交相關檔和證據。理事會應當在收到上訴後的 60 天內完成對案件的審查並作出決定。

3.8. 法律救濟：人人有權向法庭尋求適當的法律救濟。

- 3.8.1. 刑事犯罪：對屬於刑事犯罪性質的事件應當報警。警方的緊急聯絡電話號碼是（853）999 或（853）28577577。
- 3.8.2. 在當事人報警或啟動法律程序後，大學的調查應當立即停止。在警方處置或法律程序結束後，大學可視警方處置或法律程序的結果決定是否重啟調查並給予糾正處分。

上述規定的解釋權歸大學理事會。

生效日：2015 年 2 月 3 日

批准：聖若瑟大學理事會於 2015 年 2 月 3 日批准本項政策，於 2017 年 1 月 17 日批准政策修訂版

附件: 歧視及/或騷擾事件投訴表



**DISCRIMINATION AND/OR HARASSMENT INCIDENT REPORTING FORM**  
**(For use by students, staffs and other complainants)**

歧視及/或騷擾事件投訴表 (供學生、職員及其他使用)

**COMPLAINANT (Place a ✓ in the appropriate box) 投訴人(請勾選合適的方格)**

Victim 受害人

Witness 證人

**INFORMATION OF THE COMPLAINANT 投訴人**

Name 姓名 \_\_\_\_\_

Gender 性別 \_\_\_\_\_

Contact Number 聯絡電話 \_\_\_\_\_ E-mail 電郵 \_\_\_\_\_

Place a ✓ in the appropriate box. 請勾選合適的方格

Student 學生 (Student ID 學生證編號) \_\_\_\_\_

Staff 員工 (Department 所屬部門) \_\_\_\_\_

Others 其他 (Please specify and provide ID number 請註明並提供身份證號碼)

\_\_\_\_\_  
\_\_\_\_\_)

**INFORMATION OF THE ALLEGED OFFENDER 被投訴人**

Name 姓名 \_\_\_\_\_

Place a ✓ in the appropriate box. 請勾選合適的方格

Student 學生 (Programme 班別) \_\_\_\_\_

Staff 員工 (Department 所屬部門) \_\_\_\_\_

Others 其他 (Please specify 請註明) \_\_\_\_\_

**INFORMATION OF THE INCIDENT 事件**

On what date did the incident happen? 事發日期 ?  
\_\_\_\_\_



# 聖若瑟大學

UNIVERSITY OF SAINT JOSEPH

Where did the incident happen? 事發地點?

Internal Reference No.: \_\_\_\_\_/20\_\_\_\_\_

Were there any witnesses of the incident? 是否有其他證人?

Yes, please provide the name and contact of the witness. 有, 請提供姓名及聯絡方式。

No 沒有

Please describe the incident (If space is not enough, please give further details on supplementary sheets. Every page enclosed should be signed by the complainant.) 請描述事發經過 (如本欄不敷使用, 請另附紙說明, 但需於每頁紙上簽名)

Your request, if any. 如有任何要求, 請說明。



聖若瑟大學  
UNIVERSITY OF SAINT JOSEPH

Supplementary information/evidence 補充資料/證據

Yes, please specify 有, 請註明 \_\_\_\_\_

Internal Reference No.: \_\_\_\_\_ /20

No 沒有

Have you discussed the incident with someone in this University? 閣下是否同本校任何人討論過這一事件?

No 沒有

Yes, please provide the name, position and contact of the person(s). 有, 請提供其姓名, 職務及聯絡方式。

**THIS PART IS TO BE SIGNED BY THE COMPLAINANT.** 本欄由投訴人簽署。

I declare that to the best of my knowledge all information given is true. I also understand that it is confidential, but consent to the disclosure with due discretion for the purpose only of investigating and acting on the complaint.

本人特此聲明據本人所知表內資料全部屬實。本人明白投訴受保密處理, 但同意投訴的資料可因調查及處理有關投訴個案需要而被恰當地披露。

SIGNATURE

簽名

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Day 日 Month 月 Year 年

\_\_\_\_\_

**IF THIS FORM IS COMPLETED BY OTHER PERSON ON THE COMPLAINANT'S BEHALF, PLEASE FILL IN THE FOLLOWINGS AND SIGN ON BELOW.** 如本投訴表由第三者協助填寫, 填寫人請提供以下資料及簽署。

Name of the person filling this form 填寫人姓名 \_\_\_\_\_

Contact (phone or email) 聯絡方式(電話或電郵) \_\_\_\_\_



# 聖若瑟大學

UNIVERSITY OF SAINT JOSEPH

I declare that I have assisted the complainant to prepare this submission of complaint at the request of the complainant and the complainant understands and agrees that to the best of my knowledge all information contained in this form is true.

本人特此聲明因受投訴人要求而填寫及遞交本投訴表，投訴人已明白及同意據本人所知表內的資料全部屬實。

SIGNATURE

簽名

Internal Reference No.: \_\_\_\_\_ /20 \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Day 日 Month 月 Year 年

#### NOTES 注意事項:

1. The Complainant should use English or one of the official languages of Macau to complete this Report Form in order to file his or her written complaint and deliver it to the Central Services Office (CSO) of the University in person or by registered mail. All available evidence should be submitted as attachments.  
投訴人應當使用英文或任何一種澳門官方語言填寫本投訴表來提出書面投訴，並親自或以掛號信將此表送交予本校校務部。一切現有證據均應當作為附件一同送交。
2. The complaint should be made promptly and no later than within 3 months of the last incident of perceived discrimination or harassment, unless there are extraordinary circumstances that prevented the complainant from doing so. Such circumstances should also be specifically explained in the complaint.  
投訴應當於最後發生的歧視或騷擾事件發生後的 3 個月內提出。若受異常因素影響而導致延誤投訴，應當在投訴中提供具體解釋。
3. An anonymous report is not considered as complaint.  
匿名投訴將不予受理。
4. The university will notify the alleged offender in writing that a complaint has been filed. The notification will also provide the details of the allegations that have been made against him or her.  
收到投訴表後，學校將以書面形式通知被投訴人。書面通知將披露指控的細節。
5. The complainant should understand that it is a violation of the Policy to file a false complaint or provide false information. Such wrongdoings will also be subject to investigation and appropriate disciplinary actions.  
投訴人應該明白如提出虛假指控或提供虛假資訊均屬違反學校政策。這種不當行為將受到調查及適當的紀律處分和懲戒行動。
6. The complaint will be passed on to the Rector or Vice Rector responsible within 5 workings days after you submit this Reporting Form to the staff at the Central Services Office of the University. You may be contacted by the University any time after. The Rector's Office will deliver a preliminary decision to you within 15 working days (or in due course) after the complaint is received.  
閣下向本校校務部職員提交投訴表後，您的投訴將於 5 個工作天內轉交予校長或分管副校長。校長辦公室將在收到投訴後 15 個工作日內（或適當時機）向閣下送達初步決定。

#### RECTOR'S DECISION 校長的決定

- To set up an Investigative Committee consisting of the following members and launch an investigation 設立由以下成員組成的調查委員會並進行調查：



聖若瑟大學  
UNIVERSITY OF SAINT JOSEPH

Other 其他