

# The University of Macau

## Guidelines for Handling Sexual Harassment and Sexual Bullying Cases

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**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 stipulate that the CGE Secretary shall be nominated by the Chair and appointed by the Rector, for a term of two years in general, and may be reappointed (Item 4.2.3); 2. To stipulate that if the alleged behaviour is suspected of committing a criminal offence, the University shall follow up the complaint according to the law (Item 5.2.2); 3. To remove the stipulations related to the lodging of the complaint as a third party to ensure that the complaint is lodged with consent of the victim (Items 6.1.1 and 6.1.5); 4. To define that the complaint case and the Investigation Application Form shall be submitted to the “Committee on Gender Equity” instead of the “Gender Equity Officer” (Items 6.1.4 and 6.2.1); 5. To stipulate that the Gender Equity Officer, the Chair or Secretary of CGE may arrange meeting(s) with the complainant and/or the accused upon receipt of a complaint case (Item 6.2.2); 6. To define the complaint handling steps' duration calculation, i.e. counting from the day following a specific incident (Items 6.2.1 to 6.2.6); 7. To define the parties with obligations to maintain the confidentiality (Item 6.3); 8. To revise the format and content of the Investigation Application form (Appendix 1); 9. Minor editorial changes.

### 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 behaviours of sexual harassment, sexual bullying or other behaviours violating gender equity.
- 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, sexual bullying or other behaviours violating gender equity.
- 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, sexual bullying or other behaviours violating gender equity.
- 1.5 The University has zero tolerance of sexual harassment, sexual bullying or other behaviours violating gender equity and will apply disciplinary punishment or take legal action if the case is substantiated after investigation.

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## 2 Sexual Harassment, Sexual Bullying or other Behaviours Violating Gender Equity (also referred to as “sexual harassment or sexual bullying, etc.”)

2.1 According to Article 164-A of the Macau Penal Code, sexual harassment refers to forcing others to endure sexual physical contact, or forcing others to engage in such behaviour with the perpetrator or a third person to harass others, regardless the contact is made with a certain part of the body or an object.

2.2 Sexual bullying or other behaviours violating gender equity includes behaviours that are unwelcomed or unaccepted and related to sex, for example:

2.2.1 Threatening behaviour against somebody that is based on or by taking advantage of their sexuality or gender through the use of technology or other tools, regardless whether the behaviour in question is physical, verbal or otherwise and regardless whether it is carried out in their presence or absence;

2.2.2 Language or behaviour consists of sexual nature or gender discrimination that is unwelcomed or unacceptable by others, regardless it is by explicit or implicit means.

## 3 Applicability

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

## 4 Committee on Gender Equity

4.1 The Committee on Gender Equity aims to promote gender equity and oversee the tasks related thereto. The Chair and members of the Committee are appointed by the Rector for a term of two years in general, and may be reappointed, except for the situation stated in 4.2.2 c) and 4.2.2 d).

4.2 Composition

4.2.1 Chair: Served by senior academic staff member, residential college staff member or administrative staff member;

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### 4.2.2 Members:

- a) Three staff members who are either academic staff member(s) or residential college staff member(s);
- b) Three administrative staff members;
- c) One student representative appointed by the University of Macau Students' Union (UMSU) for a term of office defined by UMSU;
- d) One student representative appointed by the University of Macau Postgraduate Association (UMPA) for a term of office defined by UMPA;
- e) Gender Equity Officer, serving as an ex-officio member of the Committee on Gender Equity without voting right;
- f) A legal consultant with no voting right, to attend regular meeting and assist in legal issues;

4.2.3 A secretary responsible for administrative support with no voting right, nominated by the Chair and appointed by the Rector, for a term of two years in general, and may be reappointed.

### 4.3 Terms of Reference

- 4.3.1 To promote gender equity in the University by way of publicity, education or any other means.
- 4.3.2 To monitor the situation of gender equity in the University and assist in the investigation and handling of complaints when necessary.
- 4.3.3 To devise, review and modify the guidelines, for handling the gender equity issues or any other related guidelines.

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4.3.4 To assist in instituting and implementing the University's gender equity initiatives.

#### 4.4 Modes of Operation

4.4.1 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.

4.4.2 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.

### 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

5.2.1 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.

5.2.2 The Gender Equity Officer shall entertain formal complaint on sexual harassment or sexual bullying, etc., and shall provide the complainant information and advice on the options and procedures of lodging a formal complaint. If the alleged behaviour in the complaint is suspected of committing a criminal offence, the University shall follow-up the complaint according to the law.

5.2.3 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.

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- 5.2.4 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**

- 6.1.1 The complainant can lodge a complaint when he/she has been or is being subjected to sexual harassment or sexual bullying, etc.
- 6.1.2 Complaint should normally be lodged within 12 months after the incident has taken place.
- 6.1.3 The accused shall be staff member or student of the University of Macau.
- 6.1.4 The complainant shall submit the Investigation Application Form (See Appendix 1) to the Committee on Gender Equity. If the complainant did not complete the aforementioned application form, provided that he/she has submitted precise complaint information in writing (e.g., letter or email), the complaint shall still be accepted for further processing.
- 6.1.5 If the complainant lodges the complaint anonymously, the Committee on Gender Equity will review the case and process or investigate if substantial evidence is provided.

### **6.2 Complaint Procedures and Processing Time**

- 6.2.1 The complainant may lodge complaints of sexual harassment or sexual bullying, etc. with the respective unit heads or the Committee on Gender Equity. If the complaint is lodged to the respective unit head, he/she shall transfer it to the Committee on Gender Equity for further handling within 3 working days counting from the day following the receipt of the complaint.

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- 6.2.2 Upon the receipt of the complaint, to understand the case, the Gender Equity Officer, the Chair or the Secretary of the Committee on Gender Equity may arrange one or more meetings with the complainant and/or the accused, the Chair shall decide whether to accept the complaint within 5 working days counting from the day following the last meeting. When needed, the Chair may consult one or more member(s) of the Committee to discuss the measures to be taken as well as the proposed follow-up actions and then make the decision.
- 6.2.3 If the decision is to accept the complaint, the Committee on Gender Equity shall nominate members for the investigation panel within 10 working days counting from the day following the decision was made. The investigation panel shall be appointed by the Chair and shall consist of at least 3 panel members, with at least one of them should have the experience or knowledge in handling cases of sexual harassment or sexual bullying, etc. The investigation shall be completed within 30 working days counting from the day following the establishment of the investigation panel.
- 6.2.4 Within 10 working days counting from the day following the completion of its investigation, the investigation panel shall submit to the Chair a report which shall include the content of the complaint, the measures taken, the result and recommendations. The Chair shall then submit the report to the Rector within 5 working days counting from the day following the receipt of the report.
- 6.2.5 Within 10 working days counting from the day following the receipt of the above said report, the Rector shall decide whether the case shall be subject to further investigation or handling in either one of the following situations:
- a) When the disciplinary punishment of suspension with deprivation of remuneration or dismissal with justified reason is proposed for the accused who is a staff member;
  - b) When a penalty as defined in the *Student Disciplinary Regulations of the University of Macau* is proposed for the accused who is a student.

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Otherwise, the Rector shall make the final decision within 10 working days counting from the day following the receipt of the aforementioned report based on the report recommendation.

If further investigation or handling is necessary, the Rector shall appoint or notify the following committee or authorities depending on the identity of the accused:

- a) The Grievance and Disciplinary Committee defined in Chapter 10 of the *Regulations of the Personnel Affairs of the University of Macau* if the accused is a staff member;
- b) The disciplinary authorities defined in the *Student Disciplinary Regulations of the University of Macau* if the accused is a student.

The Grievance and Disciplinary Committee/disciplinary authorities shall submit report(s) to the Rector in accordance with their predefined procedure and timeline. The Rector shall make the final decision within 10 working days counting from the day following the receipt of the report(s) <sup>Note</sup>.

Note: Penalty for students shall be imposed by the authorized entity in accordance with *Student Disciplinary Regulations of the University of Macau*.

6.2.6 After the final decision is made, the Rector shall inform the Committee on Gender Equity about the decision, the Committee shall inform the complainant and the accused of the decision in writing within 7 working days counting from the day following the receipt of Rector's decision.

6.2.7 On request by the Committee on Gender Equity with sound justifications provided, the Rector may grant an extension of the time limits stated in Items 6.2.2 to 6.2.6 above.

### 6.3 Confidentiality

The University shall exercise due care in handling all complaints and investigations to protect the privacy of all the parties concerned. All involved parties as well as those who get into contact with the complaint and learn about

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the complaint by any means are obliged to maintain confidentiality on the relevant information, and shall not disclose or use the information obtained.

**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 in the 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 procedure.



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### 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、性霸凌或其他違反性別平等的行為。
- 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、性霸凌或其他違反性別平等的行為的信息和培訓。
- 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、性霸凌或其他違反性別平等的行為的侵害。
- 1.5 大學絕不容忍性騷擾、性霸凌或其他違反性別平等的行為。若相關投訴經調查屬實，大學將作出紀律處分或採取法律行動。

#### 2 性騷擾、性霸凌或其他違反性別平等的行為（以下亦稱為“性騷擾或性霸凌等行為”）

- 2.1 依《澳門刑法典》第一百六十四-A 條所示，性騷擾是指使他人被迫忍受性方面的身體接觸，或迫使他人與行為人或第三人進行此行為而騷擾他人者，不論是以身體某部分或物件作接觸。
- 2.2 性霸凌或其他違反性別平等的行為包括不受歡迎或不被接受、並且與性有關的行為，例如：

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2.2.1 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威脅之行為，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；

2.2.2 以明示或暗示之方式，從事不受歡迎或不被他人接受且具有性意味或性別歧視之言詞或行為。

### 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 性別平等委員會旨在推動性別平等及監督有關工作。委員會主席及成員由校長委任，任期一般為兩年，可續任；但 4.2.2 c) 及 4.2.2 d) 的情況除外。

#### 4.2 組成

4.2.1 主席:由資深教學人員、住宿式書院人員或行政人員擔任；

4.2.2 成員:

a) 教學人員或住宿式書院人員共三名；

b) 行政人員三名；

c) 澳門大學學生會委任的代表一名，任期由學生會訂定；

d) 澳門大學研究生會委任的代表一名，任期由研究生會訂定；

e) 性別平等專員擔任委員會當然成員，無投票權；

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f) 一名負責出席委員會會議及協助法律事務的法律顧問，無投票權；

4.2.3 一名負責行政支援的秘書，無投票權，由主席提名並由校長委任。任期一般為兩年，可續任。

### 4.3 職權

4.3.1 通過宣傳和教育及其他方式推動大學的性別平等。

4.3.2 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。

4.3.3 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。

4.3.4 協助制定及實施大學的性別平等計劃。

### 4.4 運作

4.4.1 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。

4.4.2 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

5.2.1 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。

5.2.2 接受性騷擾或性霸凌等行為的正式投訴，並就處理方案和投訴程序向投訴人提供信息和建議，若投訴所指的行為涉嫌觸犯刑事罪行，大學應根據法律作出跟進。

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5.2.3 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，並應將符合 6.1 的投訴立案。

5.2.4 作為當然成員列席性別平等委員會會議。

## 6 投訴個案處理

### 6.1 受理條件

6.1.1 投訴人可就自己曾經遭受或現正遭受性騷擾或性霸凌等事件提出投訴。

6.1.2 投訴一般應在事件發生後十二個月內提出。

6.1.3 被投訴人須為澳門大學的工作人員或學生。

6.1.4 投訴人應向性別平等委員會提交調查申請書（請見附件一）。若投訴人未有填寫上述的申請書，只要能以書面方式（如：信函或電郵）提供具體投訴資料，有關投訴亦會獲受理。

6.1.5 投訴人若以匿名方式提出，性別平等委員會將會審視個案，如投訴具備實質證據，校方將作出跟進或調查。

### 6.2 投訴程序及時限

6.2.1 投訴人可向相關部門主管或性別平等委員會提出性騷擾或性霸凌等投訴。相關部門主管應在收到有關投訴翌日起計三個工作日內，將個案轉交性別平等委員會處理。

6.2.2 性別平等委員會收到投訴個案後，為了解案情，可由性別平等專員、性別平等委員會主席或秘書與投訴人及/或被投訴人進行一次或多次會面，由最後一次會面翌日起計五個工作日內，決定是否受理投訴。如有需要，主席可就個案所應採取的措施及

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跟進建議，諮詢一名或以上的性別平等委員會成員，然後作出決定。

6.2.3 當決定受理投訴時，性別平等委員會應於作出決定翌日起計十個工作日內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等事件的經驗或知識。調查小組應自成立翌日起計三十個工作日內完成調查。

6.2.4 調查小組應於調查完成翌日起計十個工作日內向主席提交報告，綜合列明投訴的內容、曾採取的措施、有關結果及建議。主席應於收到報告翌日起計五個工作日內向校長提交該報告。

6.2.5 如有以下任一情況，校長應於收到報告翌日起計十個工作日內決定是否對投訴作進一步調查或處理：

- a) 當報告建議對被投訴工作人員作出喪失報酬的停職或合理解僱的紀律處分時；
- b) 當報告建議對被投訴學生作出《澳門大學學生紀律規章》所規定的處分時。

除上述情況外，校長應於收到報告翌日起計十個工作日內根據報告的建議作最後決定。

如需作進一步調查或處理，校長應按照被投訴人的身份委任或通知以下委員會或單位：

- a) 如被投訴人為工作人員，應委任《澳門大學人事管理規章》第十章規定的申訴及紀律委員會作調查；
- b) 如被投訴人為學生，應通知《澳門大學學生紀律規章》規定的紀律處分單位作處理。

申訴及紀律委員會或紀律處分單位須按規定的程序及時間向校長提交報告，而校長應於收到報告翌日起計十個工作日內作最後決定<sup>註</sup>。

註：對於學生的處分，應根據《澳門大學學生紀律規章》的規定，由具權限單位對學生作出科處。

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6.2.6 校長作最後決定後應通知性別平等委員會有關決定。性別平等委員會應在收到校長決定翌日起計七個工作日內須以書面方式通知投訴人及被投訴人有關決定。

6.2.7 如有合理理由並經性別平等委員會建議，校長可延長上述 6.2.2 至 6.2.6 項所指之期限。

### 6.3 保密義務

大學應謹慎處理所有投訴及調查，以保障相關各方的私隱。所有參與人士及以任何方式接觸該投訴及知悉該投訴任何資料的人士均對相關資料和內容負有保密義務，且不得洩露或使用所獲知之資料。

### 6.4 保護措施

包括被投訴人在內的任何人，在與個案相關的任何時候，都不得對投訴人、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，包括投訴人、被投訴人、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**

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Confidential

**Investigation Application Form**  
**For Sexual Harassment or Sexual Bullying Cases**

**Information of the Complainant**

Name: \_\_\_\_\_ (Chinese) \_\_\_\_\_ (English)

Gender: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ (DD/MM/YYYY)

ID  Passport \_\_\_\_\_ (Number)

Student \_\_\_\_\_ (Number)

Staff \_\_\_\_\_ (Number)

Others (specify) \_\_\_\_\_

Faculty/Unit: \_\_\_\_\_

Contact Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Contact Address: \_\_\_\_\_

**Complaint Details**

Category:  Sexual Harassment  Sexual Bullying or other behaviours violating gender equity

Name of accused: \_\_\_\_\_ (Chinese) \_\_\_\_\_ (English)

Student  Staff Gender: \_\_\_\_\_ Faculty/Unit: \_\_\_\_\_

Date and Time of the Incident: \_\_\_\_\_ (DD/MM/YYYY)  AM  PM \_\_\_\_\_ (HH/MM)

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

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Witness:

Yes (please provide the following information)  No

Name: \_\_\_\_\_ (Chinese) \_\_\_\_\_ (English) Gender: \_\_\_\_\_

UM Student  UM Staff  Others (specify) \_\_\_\_\_

Relationship with the Complainant: \_\_\_\_\_ Contact Number: \_\_\_\_\_

Contact/Email Address: \_\_\_\_\_

Attach information of other \_\_\_\_\_ witness(es)

Expected Outcome of the Complainant:

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The information provided in this complaint application form is true.

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Complainant (Signature)

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Date (DD/MM/YYYY)

Note: 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. The Committee on Gender Equity (CGE) is authorized to transfer the information provided to the investigation panel appointed by the CGE. 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.



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密件

### 性騷擾或性霸凌事件調查申請書

#### 投訴人資料

姓名：\_\_\_\_\_ (中文) \_\_\_\_\_ (英文)

性別：\_\_\_\_\_ 出生日期：\_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日

身份證  護照 \_\_\_\_\_ (編號)

學生 \_\_\_\_\_ (編號)

職員 \_\_\_\_\_ (編號)

其他 (請列明) \_\_\_\_\_

所屬學院/單位：\_\_\_\_\_

聯絡電話：\_\_\_\_\_ 電郵地址：\_\_\_\_\_

通訊地址：\_\_\_\_\_

#### 投訴事實內容

類別：  性騷擾  性霸凌或其他違反性別平等的行為

被投訴人姓名：\_\_\_\_\_ (中文) \_\_\_\_\_ (英文)

學生  職員 性別：\_\_\_\_\_ 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。)

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相關物證：

有（請列明並附上：\_\_\_\_\_）  沒有

相關證人：

有（請提供證人以下資料）  沒有

姓名：\_\_\_\_\_（中文）\_\_\_\_\_（英文） 性別：\_\_\_\_\_

澳大學生  澳大職員  其他（請列明）\_\_\_\_\_

與投訴人的關係：\_\_\_\_\_ 聯絡電話：\_\_\_\_\_

通訊地址/電郵：\_\_\_\_\_

另附其他\_\_\_\_\_個證人資料

投訴人的預期結果：

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投訴人確認在本投訴表格內填寫的資料全部屬實。

\_\_\_\_\_  
投訴人（簽署）

\_\_\_\_\_  
日期 (DD/MM/YYYY)

**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。投訴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。