

Office of Sports Affairs

Guidelines for Prevention of Sexual Harassment and Sexual Bullying in Sports Activities

1. Introduction

In order to effect gender equity in the academic and working environment of the University, prevent and discipline behaviors of sexual harassment, sexual bullying or other behaviours violating gender equity, the University has formulate the “Guidelines for Handling Sexual Harassment and Sexual Bullying Cases”. It aims to emphasize both educational and disciplinary action. 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. In addition, 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.

To ensure that the individuals (including staff members, coaches, instructors, students and service providers) are able to study, work, receive training, participate in sports activities or provide/have access to services in a safe and sexually hostile-free environment, OSA has formulate the “Prevention of Sexual Harassment and Sexual Bullying in Sports Activities (hereafter referred to as the “Guidelines”). The Guidelines set out the definition of sexual harassment, sexual bullying or other behaviours violating gender equity, examples, conditions of accepting complaints for further processing, complaint procedures and processing time, principles of handling complaints, prevention measures and suggestions, so as to increase awareness of the prevention of sexual harassment or sexual bullying, etc..

2. Definition

2.1 Sexual Harassment

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:
- 2.3 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;
 - 2.2.1. 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. Examples Which May Constitute Sexual Harassment or Bullying

The following examples show what may constitute sexual harassment or sexual bullying, etc.. Whether the complaint actually constitutes an incident of sexual harassment or bullying, etc. will be determined based on the actual investigation results.

- 3.1 Physical conduct related to sexual harassment or sexual bullying, etc. , for example:
 - 3.1.1 Unwelcome physical conduct of touching someone's hair, body or clothing
 - 3.1.2 Unkindly patting or fondling someone's buttock or head
 - 3.1.3 Forcibly putting the arms on someone's shoulder or arm
 - 3.1.4 Massaging someone's body such as shoulder, arm or neck
 - 3.1.5 Deliberately rubbing against others
 - 3.1.6 Requesting for unwelcome sexual favors

- 3.2 Verbal conduct related to sexual harassment or sexual bullying, etc., for example:
 - 3.2.1 Making sexual comments about someone's appearance, clothing or body, such as commenting someone's legs are sexy
 - 3.2.2 Intrusive questions about personal sexual privacy and sexual life
 - 3.2.3 Spreading rumors about someone's sexual privacy
 - 3.2.4 Telling sexuality jokes or stories
 - 3.2.5 Whistling at someone
 - 3.2.6 Disseminating offensive and sexual messages through social media platforms, such as phone messages, emails, WeChat messages, etc.

- 3.3 Visual and other conduct related to sexual harassment or sexual bullying, etc., for example:
 - 3.3.1 Staring or leering at someone or at parts of his/her body
 - 3.3.2 Peeping or taking pictures of someone at toilet
 - 3.3.3 Making sexual gestures with hands or through body movements
 - 3.3.4 Posting offensive or pornographic material such as posters or pictures on campus
 - 3.3.5 Giving personal gifts with sexual suggestiveness
 - 3.3.6 Performing indecent or obscene behavior in front of another person
 - 3.3.7 Continuing dating someone after being rejected

- 3.4 Coercive behavior or action against someone based on or by taking advantage of their sexuality or gender regardless, for example:
 - 3.4.1 Mocking someone's sexual orientation or gender, insulting someone as sissy, tomboy, gay, etc.
 - 3.4.2 Making jokes about someone's body or sexuality
 - 3.4.3 Physical assault to someone

- 3.4.4 Forcing someone to take off their clothes or pants, or forcibly lifting up someone's skirt
- 3.4.5 Intimidation of physical assault

4. Conditions of Accepting Complaints For Further Processing, Complaint Procedures and Processing Time

Complaint cases that meet the conditions of accepting complaints for further processing stipulated in the "Guidelines for Handling Sexual Harassment and Sexual Bullying Cases", will be followed up by the Gender Equality Committee of UM, or will be reported to the Macao Judiciary Police depending on the seriousness of the cases. For details on the conditions of accepting complaints for further processing, complaint procedures and processing time of the University, please refer to the "Guidelines for Handling Sexual Harassment and Sexual Bullying Cases". Document number: RTO.04/201509/001.

5. Principles of Handling Complaints

For the complaint cases that meet the conditions of accepting complaints for further processing stipulated in the "Guidelines for Handling Sexual Harassment and Sexual Bullying Cases", the principles of handling complaints are as follows:

5.1 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.

5.2 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.

5.3 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.

5.4 Complaint in Bad Faith:

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

6. Prevention Measures

6.1 Formulate the Guidelines and set out the definition of sexual harassment and sexual bullying, examples, conditions of accepting complaints for further processing, complaint procedures and processing time, principles of handling complaints, prevention measures and suggestions, so as to deepen the knowledge of all individuals on the prevention of sexual harassment or sexual bullying, etc..

6.2 Circulate this guideline to all relevant parties to remind them of the importance of preventing sexual harassment or sexual bullying, etc. in sports activities.

6.3 Upload the Guidelines to the OSA website (<https://osa.um.edu.mo>) so that all relevant individuals can have access to the Guidelines at any times, and the channels to obtain information.

6.4 Encourage relevant individuals to receive training on a regular basis to increase their awareness on the prevention of sexual harassment or sexual bullying, etc..

7. Suggestions

7.1 For Staff Members, Coaches, Instructors and Sports Organizations

7.1.1 Respect one another with students or athletes, pay attention to wordings and avoid unnecessary physical contact.

- 7.1.2 When meeting with students or athletes alone, it should be in public or during work hours to avoid suspicion.
- 7.1.3 Have the duty and responsibility to establish and maintain an educational and athletic environment free of sexual harassment for study, training and participate in sports activities.
- 7.1.4 Have a duty and responsibility to take seriously all incidents or complaints of sexual harassment and bullying, and report them to the University.
- 7.1.5 Participate in periodic trainings that enhance understanding of issues surrounding sexual harassment and bullying.

7.2 For Students, Athletes and Victims

- 7.2.1 Respect one another with coaches or instructors, pay attention to wordings and avoid unnecessary physical contact.
- 7.2.2 Whether you have encountered or witnessed a suspected sexual harassment or bullying, it is encouraged to report it immediately.
- 7.2.3 Participate in periodic trainings that enhance understanding of issues surrounding sexual harassment and bullying.
- 7.2.4 If you are unfortunately being sexual harassed or bullied, you must:
 - Keep clam because it's not your fault
 - Say "NO" to the harasser and let he/she know that his/her behavior or comment is unwanted and has to stop.
 - Keep a written record of the incidents including when, where, who (witnesses), what (nature), and how (your response) of the harassment or bullying for complaint evidence.
 - Tell someone you trust and seek for guidance and help
 - Report to the Office of Sports Affairs or Gender Equality Committee of UM by written or verbal format
 - Seeking psychological counseling if necessary