

Disciplinary Policy

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Version	1	Policy Section	Employment and HR
Approved by	NZIST Council	Policy review frequency	Annually
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Purpose

Te Pukenga's employment policies and arrangements are designed to create a positive environment in which people can be successful in their job. Like any relationship, all parties need to communicate well to ensure clear understanding of need and expectations so that both parties can maintain and enhance the work environment and employment relationship.

This policy sets out the framework Te Pukenga uses to manage occasions where these expectations are not met.

Scope

This policy applies to all employees. Whilst contractors and consultants are not covered by this policy or the disciplinary guidelines, their contract may be terminated if they engage in any unacceptable conduct whilst they are engaged by Te Pukenga.

Principles and Expectations

It is the responsibility of both parties to maintain a positive relationship. Te Pukenga encourages and supports employees to behave in a manner that is appropriate, by setting out clear expectations of acceptable conduct and consistently managing instances where these are not followed.

The following paragraphs define misconduct and serious misconduct and the process to be followed when it is alleged this has occurred.

Misconduct

Misconduct is any unacceptable or improper conduct or behaviour which is deliberate, negligent, inappropriate or reckless and/or breaches Te Pukenga policies and procedures or guidelines including the Code of Conduct, your employment agreement, management instructions, performance standards or legal compliance standards. Examples of misconduct include (but are not limited to):

- Failure to follow a lawful and reasonable instruction.
- Aggressive/argumentative behaviour.
- Breach of company policies or procedures, or your employment agreement.
- Using abusive language that may cause offence to another person.

Serious Misconduct

Serious misconduct is conduct which compromises Te Pukenga's trust and confidence in you and/or create serious risk or harm to Te Pukenga. Examples of serious misconduct include (but are not limited to):

- Threatening, abusive, insulting or violent behaviour.
- Serious breach of policies, delegations and/or procedures, or your employment agreement.
- Unauthorised absence from work.
- Dishonesty including misrepresentation when applying for employment.
- Failing to disclose any potential conflict of interest or to adhere to a conflict of interest management plan.
- Breach of implied duties such as confidentiality, loyalty and fidelity.
- Conduct inside or outside of work that brings (or has the potential to bring) Te Pukenga into disrepute.
- Being impaired or under the influence of drugs (illegal, prescription and/or non-prescription) or alcohol while carrying out the responsibilities of your role
- Misuse of company property or funds.
- Consuming or possessing illegal drugs or unauthorised alcohol at your place of work.
- Sexual, racial or any other type of discrimination, harassment or bullying.
- Unauthorised statements to the media/public about work-related matters.
- Introducing unauthorised hardware or software to Te Pukenga computer systems.
- Intentionally downloading, holding, transmitting, viewing or presenting to any other person any sexual, pornographic, racist or other offensive material.
- Behaviours in serious contravention of Te Pukenga's Code of Conduct.

Process

Managers will consider whether minor one-off offences can be addressed informally, through a documented conversation/file note (also known as an oral or verbal warning). Where there has been a repeat or pattern of minor incidents, or the matter is more serious, formal sanctions are likely to be considered.

Where misconduct or serious misconduct is alleged, an employee will be notified of this and given an opportunity to be heard in relation to the allegations before any final decisions are made.

Te Pukenga may suspend an employee from work while an investigation into an allegation of misconduct or serious misconduct is undertaken. A manager should consult with the People & Culture team when any suspension is being considered.

There are three formal disciplinary sanctions available for managers to consider where it has been found that misconduct or serious misconduct occurred:

- First written warning.
- Final written warning.
- Dismissal.

Generally, these options will be considered in sequence; however, in instances of serious misconduct, dismissal without notice (or action short of dismissal, such as a final warning) could be considered where no previous warnings have been issued.