

Kaupapa-here | Disciplinary Policy

Mō wai me te whānuitanga | Audience and scope

This Policy applies to Te Pūkenga Council members, Te Pūkenga advisory committee members and all employees of Te Pūkenga, including contracted staff, consultants and secondees providing services for Te Pūkenga, and those on fixed term contracts (collectively referred to as **Employees** in this policy document).

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 Pūkenga.

Mokamoka whakaaetanga | Approval details

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Approval authority	Te Pūkenga Council	Date of approval	30 May 2022
Policy sponsor (has authority to make minor amendments)	Director People, Culture and Wellbeing	Policy owner	Chief Executive
Contact person	Keri-Anne Tane	Date of next review	1 December 2022

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	1 April 2020		New policy
2	1 June 2022	Legal and Risk	High-level review and rollover pending confirmation of operating model and structure

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1. Pūtake | Purpose

- 1.1. The purpose of this policy is 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.
- 1.2. This policy sets out the framework Te Pūkenga uses to manage occasions where these expectations are not met.

2. Te Pae Tawhiti | Te Tiriti o Waitangi Excellence Framework

The Council of Te Pūkenga acknowledges that this Policy has been adopted while there is ongoing work being carried out to consider how Te Pae Tawhiti - Te Tiriti o Waitangi Excellence Framework should be fully embedded in the Policy. The Council notes that Te Pūkenga is still on its transition journey and, as it matures, this Policy and others will be reviewed to ensure they align with the new Operating Model and reflect Te Pae Tawhiti best practice.

3. Ngā Mātāpono | Principles

- 3.1. It is the responsibility of both parties to maintain a positive relationship. Te Pūkenga 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.
- 3.2. The following paragraphs define misconduct and serious misconduct and the process to be followed when it is alleged this has occurred.

Misconduct

- 3.3. Misconduct is any unacceptable or improper conduct or behaviour which is deliberate, negligent, inappropriate or reckless and/or breaches Te Pūkenga 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):
 - a) Failure to follow a lawful and reasonable instruction.
 - b) Aggressive/argumentative behaviour.
 - c) Breach of company policies or procedures, or your employment agreement.
 - d) Using abusive language that may cause offence to another person.

Serious Misconduct

- 3.4. Serious misconduct is conduct which compromises Te Pūkenga trust and confidence in you and/or create serious risk or harm to Te Pūkenga. Examples of serious misconduct include (but are not limited to):
- a) Threatening, abusive, insulting, or violent behaviour
 - b) Serious breach of policies, delegations and/or procedures, or your employment agreement
 - c) Unauthorised absence from work
 - d) Dishonesty including misrepresentation when applying for employment
 - e) Failing to disclose any potential conflict of interest or to adhere to a conflict of interest management plan
 - f) Breach of implied duties such as confidentiality, loyalty and fidelity
 - g) Conduct inside or outside of work that brings (or has the potential to bring) Te Pūkenga into disrepute
 - h) Being impaired or under the influence of drugs (illegal, prescription and/or non-prescription) or alcohol while carrying out the responsibilities of your role
 - i) Misuse of company property or funds
 - j) Consuming or possessing illegal drugs or unauthorised alcohol at your place of work
 - k) Sexual, racial or any other type of discrimination, harassment or bullying
 - l) Unauthorised statements to the media/public about work-related matters
 - m) Introducing unauthorised hardware or software to Te Pūkenga computer systems
 - n) Intentionally downloading, holding, transmitting, viewing or presenting to any other person any sexual, pornographic, racist or other offensive material
 - o) Behaviours in serious contravention of Te Pūkenga Code of Conduct.

Procedure

- 3.5. 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.
- 3.6. 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.
- 3.7. Te Pūkenga 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.
- 3.8. There are three formal disciplinary sanctions available for managers to consider where it has been found that misconduct or serious misconduct occurred:
- a) First written warning.
 - b) Final written warning.
 - c) 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.