UC Policy Library

# Staff Disciplinary Policy

**Category:** Human Resources
**Last Modified:** March 2013
**Review Date:** March 2016
**Approval Authority:** Director, Human Resources
**Contact Person:** Human Resources Advisors

## Introduction

It is necessary for the proper operation of the University of Canterbury and the health and safety of its employees, that the University operates a disciplinary policy. The disciplinary procedure set out in this policy is, however, for guidance only.

This policy will be applied fairly to all employees, but will be subject to any specific provisions contained in an employee's Employment Agreement and applicable industrial legislation, eg The Employment Relations Act. Where a conflict exists between this policy and an employee's Employment Agreement then the terms of the employee's Agreement shall apply.

An employee whose employment conduct is not specifically referred to in this policy may, depending on the circumstances, still be subject to disciplinary action up to and including dismissal.

This policy applies to all University of Canterbury employees.

## Definitions

**Oral Warning -** An oral warning is given verbally, though may be confirmed in writing. The oral warning will identify the conduct which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

**First Written Warning** - A first written warning will be identified as either a "written warning" or "first written warning". This warning will be in writing and will also outline the conduct which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.



*© This document is the property of the University of Canterbury. Once printed this document is considered an uncontrolled version. For the official, current version refer to the UC Policy Library.*

**Final Warning** - Where conduct is sufficiently serious a final warning may be given. This will be in writing and will be identified as a "final warning". As with the oral and first written warning, it will outline the conduct which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

**Dismissal** - Dismissal may occur where conduct is deemed by the University to be sufficiently serious as to justify terminating an employee's employment.
The employment may be ended either with or without notice.
Dismissal may be preceded by an oral warning or a first written warning or a final warning. In serious circumstances however, it may also occur where no warnings have been given.

**Serious Misconduct -** Serious misconduct can take many forms. Depending on the seriousness of such conduct, the University has set out below examples of the type of conduct that will be deemed to be serious misconduct (though this is not intended as an exhaustive list):

- falsifying any information, records or other documents;
- the use or possession of illegal drugs while on the University's premises or whilst on University business;
- consuming intoxicating liquor, whilst on the University premises, work sites, in work vehicles or during working hours without permission;
- attending work under the influence of illegal drugs or intoxicating liquor so that the employee is or may be unable to perform his/her duties satisfactorily or safely;
- breach of the University's Code of Conduct or other policies or procedures;
- conduct that may bring the University's reputation into disrepute;
- acting in a negligent, reckless or careless manner which could potentially or actually result in injury to another person;
- damage to the University's plant or property, whether deliberately or through negligence;
- harassment, bullying or discriminatory behaviour towards any person;
- using abusive or offensive language or behaviour;
- removing, taking possession of or deliberate misuse of another employee's personal property without that employee's consent;
- refusal or failure to obey a lawful and reasonable direction;
- sleeping during working hours;
- smoking in restricted areas;
- unauthorised access, disclosure, copying or use of confidential information;
- competing or assisting another person or entity to compete with the University on any matter, without the written consent of the University;
- failure to comply with any health and safety policies, instructions or guidelines for the workplace;
- absence from work without good cause or failure without good reason to promptly report an absence;



*© This document is the property of the University of Canterbury. Once printed this document is considered an uncontrolled version. For the official, current version refer to the UC Policy Library.*

- failure to report to a supervisor as soon as possible, any accident, near miss or incident that resulted in or may have resulted in personal injury, damage or loss to any person or property;
- continued lateness or lack of application to assigned tasks;
- failure to work within the requirements of the Academic Regulations and policies where applicable;
- repeated failure to perform work to the required standard;
- Accessing pornographic or illegal material on a University computer or any breach of the University's computer use policy.

An employee who commits an act of serious misconduct will be subject to disciplinary action up to and including instant dismissal.

## Policy Statement: Disciplinary Procedure

1. The University may invoke the disciplinary procedure not only for serious misconduct, but also in circumstances where the conduct or performance of an employee is not in the interests of the University and/or its employees.

2. Before any disciplinary procedure is undertaken, the Head of Department or appropriate manager will where possible, consult with a Human Resources Advisor on the course of action to be taken.

3. **Format of Disciplinary Procedure:**

   The format of any disciplinary procedure will vary depending on the particular circumstances, but may include any of the following actions by the University:

   - appointing an internal and/or external person to investigate the issue(s);
   - suspending on pay or transferring the employee to other duties pending an investigation (provided the issue is sufficiently serious or is warranted on health and safety grounds);
   - advising the employee of the commencement of an investigation or delaying such advice if the University thinks it appropriate to do so;
   - informal resolution of the issue(s);
   - a decision to take no further action; or
   - instigation of a Disciplinary Meeting.

4. **Representation:**

   An employee may contact their union or other representative at any stage. The union or other representative may act on behalf of the employee to try and resolve any problems.



*© This document is the property of the University of Canterbury. Once printed this document is considered an uncontrolled version. For the official, current version refer to the UC Policy Library.*

5. **Investigation Meeting:**

If a decision is made to proceed to an investigation meeting, the employee will be asked in writing to attend a meeting on a date and time nominated by the University.

The letter will advise the employee of the nature of the allegations or concerns to be discussed at the meeting, and of the employee's right to seek legal advice and/or representation at the meeting.

At the meetings, the employee will be given a fair opportunity to consider his or her response and to provide an account or explanation of events or to mitigate his or her conduct. The University may provide the details of the allegations or evidence in a face to face meeting, provided sufficient time is provided for the employee to consider his or her response. If necessary the meeting will be adjourned to allow the employee this time. If as an outcome of the process the employee may be dismissed then the University will remind the employee of his or her right to representation.

The meeting will usually be adjourned to enable the University to consider any relevant evidence or information available, before making a decision on the outcome.

6. **Outcome of process:**

The employee will be advised either orally or in writing, of the outcome of the process. The outcome will vary depending on the findings made by the University. In some circumstances no further action will be warranted, or the matter will be dealt with informally.

If however, the circumstances require disciplinary action, the employee will be advised of the University's findings, the reasons for the findings and the disciplinary action that will be taken or is being considered.

7. **Disciplinary Action**

Disciplinary action may include the University warning or dismissing the employee.

If a warning is to be given, the warning will be an oral warning or a first written warning or a final warning. Importantly, the type of warning given will reflect the seriousness of the situation. Thus for example, an employee may be given a final warning without having previously received an oral or first written warning.

In addition, warnings may also be given and relied on where there is a repetition of a specific type of unsatisfactory conduct or where the unsatisfactory conduct is of a clearly dissimilar or separate nature.

Where a warning has been given to an employee, the University may consider whether training, assistance or any other form of support is needed to assist the employee, and if so, whether the University will provide that support.



*© This document is the property of the University of Canterbury. Once printed this document is considered an uncontrolled version. For the official, current version refer to the UC Policy Library.*

## 8. Record of Disciplinary Action

Where disciplinary action is taken, a note of the disciplinary action will be made and will be placed on the employee's personnel file.

## 9. Personal Grievance Procedure

An employee aggrieved by any action taken by the University may pursue a grievance in terms of the personal grievance procedure set out in their Employment Agreement or as provided under the Employment Relations Act 2000.

The employee must raise a personal grievance within 90 days of the action occuring, or within 90 days from the date the employee became aware of it. If the grievance is not raised within 90 days, it may be deemed to be out of time, unless there are exceptional circumstances.

If an employee is dismissed, he or she may within 60 days after the date of dismissal, request the University to provide a statement in writing of the reasons for the dismissal. The University must give the statement within 14 days after being asked.

| Document History and Version Control Table | | | |
|---|---|---|---|
| **Version** | **Action** | **Approval Authority** | **Action Date** |
| 1.00 | Added to UCPL | Director, Human Resources | June 2008 |
| 2.00 | Added to UCPL | Director, Human Resources | February 2012 |
| 3.00 | Full Review | Director, Human Resources | March 2013 |



*© This document is the property of the University of Canterbury. Once printed this document is considered an uncontrolled version. For the official, current version refer to the UC Policy Library.*