

Employee Disciplinary Policy

Last Modified Nōnahea i Whakarerekē	June 2024
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Approval Authority Mana Whakaae	Executive Director - People, Culture and Campus Life
Contact Officer Āpiha Whakapā	Manager Business Partnering

Introduction | Kupu Whakataki

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.

Definitions | Tautuhinga

Employee – for the purposes of this policy, has the same meaning as [s6\(1\)\(a\)](#) of the [Employment Relations Act 2000](#).

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.

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 warnings, it will outline the conduct which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

First written warning – 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.

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.

Serious misconduct – serious misconduct can take many forms. In the [Staff Code of Conduct](#) the University has set out examples of the type of conduct that will be deemed to be serious misconduct (though it is not intended to be an exhaustive list). An employee who commits an act of serious misconduct will be subject to disciplinary action up to and including instant dismissal.

Policy Statements | Kaupapa Here

Employment relationships are based on trust and confidence between the employer and employee. In the event that trust and confidence in the employment relationship is undermined, damaged or destroyed by behaviour or conduct of an employee, the University will take necessary action. An employee whose 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. It will be applied fairly to all employees, but will be subject to any specific provisions contained in an employee's Employment Agreement ("Agreement") and applicable industrial legislation; e.g., the [Employment Relations Act 2000 \(New Zealand Legislation website\)](#). Where a conflict exists between this policy and an Agreement then the terms of the Agreement shall apply.

1. Disciplinary Procedure

The University may invoke 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.

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.

2. Format of Investigation

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;
- instigating a meeting;

- informal resolution of the issue(s);
- a decision to take no further action; or
- disciplinary action (for example, oral warning, first written warning, final warning or dismissal).

3. 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.

4. 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 advice and/or representation at the meeting.

At the meeting, 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.

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.

5. 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.

6. Disciplinary Action

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

If a warning is to be given, the warning will be a n 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.

7. 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.

8. 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 Agreement or as provided under the [Employment Relations Act 2000 \(New Zealand Legislation website\)](#).

The employee must raise a personal grievance within 90 days of the action occurring, 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.

In a grievance relating to sexual harassment, the employee must raise a personal grievance within 12 months of the action occurring. This 12-month time period relates to sexual harassment events that happened or came to the notice of the employee on or after 13 June 2023.

If an employee is dismissed, they 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 provide the statement within 14 days after being asked, if it has not already been provided.

Related Documents and Information | He kōrero anō

Legislation

- [Employment Relations Act 2000 \(New Zealand Legislation website\)](#)

UC Policy Library

- [Health, Safety and Wellbeing Policy](#)
- [Staff Code of Conduct](#)

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UC Website and Intranet

- Employment agreements ([University People and Culture webpages](#))

If you have any further questions around this policy, please contact your [People and Culture Business Partner](#).

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact ucpolicy@canterbury.ac.nz</i>			
1.00	Major review and conversion into new format	Director of Human Resources	Mar 2013
1.01	Contact Officer title updated	Policy Unit	Jun 2015
2.00	Scheduled review by Contact Officer	HR Director	Dec 2015
3.00	Scheduled review by Contact Officer	Policy Unit	Mar 2018
3.01	Change of CO from <i>HR Advisor: Business Improvement and Policy Portfolio</i>	Policy Unit	June 2018
4.00	Scheduled review by Contact Officer. Title changed from “ <i>Staff Disciplinary Policy</i> ” to “ <i>Employee Disciplinary Policy</i> ” to reflect the definition of “Employee” in the <i>Employment Relations Act 2000</i> . Minor content additions and content layout changes also made.	Executive Director, Human Resources	March 2019
5.00	Scheduled review by Contact Officer. Change to add Te Reo Māori translations; Minor updates	Policy Unit	TBC
6.0	Review in line with the updated Code of Conduct	Executive Director People, Culture and Campus Life	June 2024