



# Disciplinary and Performance Management Policy

## Purpose

The purpose of this policy is to set out the principles Unitec will apply when the standards of performance, behaviour and compliance are not met by employees. This includes inconsistent or poor performance, misconduct, breach(es) of Unitec's Code of Conduct or any other Unitec policy.

Engaging in misconduct or serious misconduct may result in Unitec commencing an investigation and/or disciplinary action up to and including dismissal. The policy endeavours to ensure that all disciplinary action is justified and is carried out in a procedurally fair manner, in accordance with good faith obligations.

While the way a disciplinary process is carried out will always depend on the particular circumstances, an example of what the process may involve is set out in Appendix 1 of the Disciplinary and Performance Management Procedures.

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## Scope

This is a Unitec-wide policy.

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## Policy Statements

### Principles

The main principles that Unitec will endeavour to take into account in the enforcement of discipline are:

- **Promptness**

Any necessary disciplinary investigation and/or disciplinary action will be taken as soon as is reasonably practicable after Unitec becomes aware of the offence / conduct / action / omission / behaviour / performance issue.

- **Accountability**

Except where dismissal is being considered, the main purpose of disciplinary action will be to prevent recurrence and to ensure that acceptable standards of performance and behaviour are maintained.

- **Fairness**

Unitec will treat all employees fairly and in good faith when undertaking any action against an employee. Any disciplinary action taken must be what a fair and reasonable employer could take in all of the circumstances and ensuring there is good reason for taking an action. Specifically, Unitec must investigate any concerns and give the affected employee a reasonable opportunity to respond to those concerns, then genuinely consider any response, before making a decision about what action (if any) should be taken.

- Unitec will comply with any provisions in the employee's individual or collective agreement in conducting any disciplinary investigation or taking any disciplinary action. Criminal or security matters will be referred to relevant external bodies, where appropriate.

Disciplinary action (if any) will be related to all of the circumstances, including as appropriate:

- a. the nature of the conduct / breach / action / omission;
- b. the employee's work record and length of service;
- c. the circumstances surrounding the conduct / breach / action / omission; and
- d. acknowledgement of wrongdoing (or lack thereof).

### **Grounds for Disciplinary Action**

The need for disciplinary investigation and action may arise from any number of situations. The primary grounds for disciplinary action are:

- a. poor performance;
- b. misconduct; and
- c. serious misconduct.

### **Poor Performance**

Poor Performance or Misconduct?

Unlike misconduct, poor performance does not involve wrongdoing, but a failure by the employee to meet Unitec's reasonable performance expectations. When an employee is engaged for a position, he/she is expected to have the skills and experience to perform the role to an acceptable standard. If the employee fails to reach and/or maintain this standard, then disciplinary action may be taken.

### **Performance Management**

Unitec will address performance issues as they arise. If the matter is not successfully resolved informally, Unitec may implement a formal performance management process. The primary objective of this process is to lift or return the employee's performance to the expected standard. The employee will be given the

opportunity, assistance and support to improve their performance and will be formally monitored and evaluated to assess improvement.

### **Misconduct**

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Misconduct is when an employee has breached one or more of Unitec's policies, and / or the Code of Conduct, and / or has behaved in a way that is not aligned to Unitec's values and the principles of Te Noho Kōtahitanga.

Examples of conduct that may amount to misconduct are outlined in Appendix 2 of the Disciplinary and Performance Management Procedures.

### **Serious Misconduct**

Serious misconduct is wrongdoing or conduct that impairs or destroys the basic trust and confidence essential to the employment relationship and may warrant disciplinary action up to dismissal without notice.

Examples of conduct that may amount to serious misconduct are outlined in Appendix 3 of the Disciplinary and Performance Management Procedures.

### **Abandonment of Employment**

Abandonment of employment occurs where an employee is absent from work without notification to or the consent of Unitec, and without adequate explanation or cause, for the period specified in the employee's agreement, or, in any other case, for a period of three consecutive working days. Where reasonable efforts have been made, without success, to contact an absent employee, he or she will be deemed to have terminated his or her employment at the end of the relevant period of absence. Unitec will confirm abandonment of employment to the employee in writing at his/her last known address.

### **Transitional Provision**

This policy will take effect on the date on which it is approved by the Chief Executive. Any investigation initiated before the date on which this policy takes effect, and which has not been completed by such date, should be determined or completed in accordance with the provisions of the previous policy.

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This document is to be read in conjunction with the Disciplinary and Performance Management Procedures which includes the following appendices:

Appendix 1 – Flow chart of ordinary disciplinary procedure

Appendix 2 – Examples of types of behaviour that may constitute misconduct

Appendix 3 – Examples of types of behaviour that may constitute serious misconduct

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## Responsibilities

Role	Responsibilities
DCE – People and Culture	<ul style="list-style-type: none"><li>Has the delegated authority to update any forms or appendices associated with this policy.</li></ul>

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## Approval Details

Version number (this version):	2	Issue Date (this version):	January 2021
Consultation Scope:	All Unitec staff		
Approval authority:	Executive Leadership Team	Date of Approval	January 2021
Policy Sponsor (May have authority to approve minor amendments)	DCE – People and Culture	Policy Owner:	Human Resources
Contact Person	HR Business Partner	Date of Next Review	January 2023

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## Amendment History

Version History (Amendments made to this version)	Date of amendment/s: <ul style="list-style-type: none"><li>Dec 2017</li><li>Jan 2021</li></ul>	Amendment/s: <ul style="list-style-type: none"><li>Reformatted for placement on Staff Portal and to reflect changes in organisational structure</li><li>Updated definition of misconduct and some wording tweaks around fairness</li></ul>
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