

# AQUINAS COLLEGE POLICY

APPROVED AT BOARD MEETING: 26.05.2016  
TO BE REVIEWED: 2019

## Policy 5.5: Code of Conduct

### RATIONALE

The expectation of working in a Catholic College is that the professional conduct of all staff is exemplary with colleagues, students, and parents at all times. The special character and the College touchstones reinforce this expectation.

Touchstone: Joy, Family, Prayer, Scholarship, Service, Truth.

Document Link: Strategic Plan Section A; Section B1, 2, 3. Policy 1.6 Special Character, 1.8 Teaching and Learning for Diversity, 3.1 Complaints, 3.2 Equity, 3.3 Good Employer, 3.4 Performance Management, 3.5 Professional Development, 5.1 Alcohol and Illegal Drugs, 5.2 Smoke free Environment, 5.9 Health and Safety, 5.13 Sexual Harassment  
Secondary Teachers Collective Agreement

### PURPOSE

The purpose of this policy is to give guidance to employees on the standards of conduct required by the College, in keeping with the special character of the College.

The policy is designed to ensure that the College operates efficiently and effectively and that employees are treated fairly and equitably.

### GUIDELINES

1. Each employee is expected to act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the special character of the College, and the welfare of colleagues and students.

Employees have an obligation to:

- Support the special character of the College, particularly through role modelling language, behaviour, and appearance, and by being honest and respectful in all actions
- Carry out duties in a safe, efficient, and competent manner
- Comply with lawful and reasonable employer instructions
- Respect the privacy of individuals, and use confidential information only for the purposes for which it was intended
- Be present at work as required, and to be absent from the workplace only with appropriate notification and/or approval
- Neither use, nor allow the use of, College property, resources, or funds for other than authorised purposes
- Incur no liability on the part of the College without proper authorisation
- Use their professional training in ensuring the health and safety of students, colleagues, and visitors to the College.

The induction of new staff will include a clear understanding of these Code of Conduct obligations (Staff Guide to Everything on Aquinas Onenote).

2. Employees generally work with and are supported by two key documents. Teachers are to refer to the Secondary Teachers' Collective Agreement, and support staff to the Support Staff in Schools Collective Agreement. Actions taken for any breach of the obligations above are outlined in these Agreements. Appendix describes the consequences of breaches of the Code of Conduct and further examples of serious and less serious misconduct, and Appendix B provides information in relation to resolving problems.

## **PROCEDURE**

### **Appendix A**

#### **Breaches of the Code of Conduct**

Misconduct involves contravention of the above obligations. If established, misconduct is likely to lead to a warning, and if serious misconduct is established, it may lead to instant dismissal.

The following lists (incorporating Section 3.4.5 of the Secondary Teacher's Collective Agreement) are examples of matters that may warrant disciplinary action.

**Serious misconduct** is behaviour which undermines the contractual relationship between employer and employee, and /or threatens the wellbeing of the organisation, or its staff and students. It includes, but is not limited to, the examples below:

- Disobedience of lawful orders or instructions
- Conduct in her/his capacity as a teacher or otherwise which is unbecoming to a member of the teaching service
- Falsification of College records, including time sheets and expense claims
- Acts of negligence which seriously affect safety or result in serious loss to College property
- Physically assaulting any employee, student, or visitor while on College premises
- Consuming alcoholic liquor or non-prescription drugs during working hours without management consent
- Possession or removal of College property or another employee's property without proper authorisation
- Tampering with a security system or failure to comply with the security procedures established by the employer

Items that constitute less serious misconduct, for which the penalty of the first occasion is a verbal warning (documented in writing) include:

- Using abusive language toward a work colleague, parent, or student
- Verbally assaulting any employee, student, or visitor while on College premises
- Making disparaging remarks about a colleague within earshot of other colleagues, students, or parents
- Lateness or absence without notification or prior approval
- Failure to report any accident or observe safety rules
- Reporting for work in such condition that duties are unable to be performed safely
- Disrespectful attitudes towards other staff, parents, or students
- Irresponsible behaviour e.g. inebriation at College functions
- Failure to maintain adequate standards of dress and personal hygiene
- Negligence, carelessness or indolence in carrying out her/his duties as a teacher or support staff member
- Negligence in relation to care of College property e.g. laptops

A second incidence of any action for which a verbal warning has been given is likely to result in a written warning, and repeated actions may lead to dismissal.

## **Disciplinary Procedures**

These procedures should be read in conjunction with Section 3.4 of the Secondary Teachers Collective Agreement and Section 7.13 of the Support Staff in Colleges Collective Agreement.

Formal disciplinary action is not taken lightly. It is expected that staff will give of their best once a deficiency is pointed out and that any difficulties can be overcome at the workplace level.

Where the College has cause to believe that a satisfactory standard of performance has not been reached and maintained, or that the code of conduct has otherwise been breached, formal disciplinary procedures are likely to be invoked.

The Employment Court has outlined three requirements in relation to procedural fairness:

- (a) An employee must receive notice of the specific allegation of misconduct and of the likely consequences should the allegation be established
- (b) There must be a real opportunity for the employee to explain or refute the allegation
- (c) There must be proper and unbiased consideration of the explanation

Unless a matter is so serious it warrants instant dismissal, employees are entitled to be warned about disciplinary breaches, and told of the ways in which their performance or conduct must improve. Warnings will be given orally and followed up in writing. It is usually appropriate to give at least two warnings, although some circumstances may call for one final warning.

Any formal warning will include:

- (a) A statement of the specific problem
- (b) The College standard or policy breached
- (c) The corrective action required
- (d) The period within which corrective action must be taken
- (e) Reference to the meeting(s) with the employee and any explanation given by that employee
- (f) The College's decision
- (g) The consequences of failure to take the required corrective action or any further breach
- (h) Reference to any prior warnings

The College may need to insist that a staff member not remain at work while the matter of concern is being investigated. In most cases, any suspension will be on full pay.

In the case of dismissal, the College's decision, and the reasons for it, will be confirmed in writing to the staff member before the dismissal is affected.

## **Rights of Employees in Cases of Disciplinary Action**

When the College institutes formal disciplinary action and conducts interviews with the employee for that purpose, the employee is entitled to bring a friend, a union representative, or any other person to that meeting.

The personal grievance procedures set out in the Employment Relations Amendment Act 2004 apply.

## **Appendix B**

### **Resolving Problems**

We can save time and help preserve our working relationships by solving our own problems as far as possible.

#### **Clarify what the problem is from your point of view**

Make sure there really is a problem. Check your facts and make sure you have not assumed or misunderstood something. You might discuss the apparent problem with family, friends, or advisors, and find out what the law is, and/or what your employment agreement says. You can phone the Employment Relations Information line (0800 20 90 20), visit their website (<http://era.govt.nz/>), or talk with a lawyer, a community legal office, or an industrial relations consultant.

#### **Talk to your employer**

We should discuss the problem, either directly or through our representatives. You may bring a friend, relative, or colleague to support you in this discussion, and union members can ask their union to help. We should make sure that we discuss the facts so that we can clear up any assumptions or misunderstandings.

#### **Raising a personal grievance**

If you consider you have a personal grievance against your employer, you must take steps to bring it to the employer's attention within 90 days from the date on which you became aware of it.

If the employer does not consent to the personal grievance being raised after the 90 day limit you can apply to the Employment Relations Authority for permission to raise the personal grievance.

Services available for the resolution of employment relationship problems

##### 1. Mediation Services

If there is an employment relationship problem, you can contact the Mediation Service of the Employment Relations Authority. The service can provide information about employment rights and obligations, information about services, and assistance in resolving employment relationship problems.

The Mediation Service can be contacted through the Employment Relations Authority. It is a confidential procedure. Anything said or done in connection with the use of the service, and any documents created or made for the purposes of the mediation, must be kept confidential.

##### 2. Employment Relations Authority

If mediation is not successful, the employer or you can apply to the Employment Relations Authority to have the matter resolved.

##### 3. Employment Court

If not satisfied with a determination of the Authority, you can go to the Employment Court for a judicial hearing. The Court may also direct the parties to get further mediation assistance if it thinks that may be useful.