

## Serious Misconduct

3.12

### **Rationale**

1. Certain offences committed by staff may constitute "serious misconduct". Steps to deal with such conduct may warrant disciplinary action or dismissal by the Board, and reporting to the Teachers' Council.

### **Requirements**

1. The Board must act consistently with its need to be a good employer.
2. All actions relating to a serious misconduct allegation and any subsequent development must be consistent with the relevant employment contract. The Principal will report to the Board at the next regular meeting if any such enquiry was undertaken.
3. Each case will be assessed on its individual merit.
4. The following are examples of serious misconduct that may warrant disciplinary action.
5. "Serious Misconduct" may include the following, but is not limited to:
  - a. theft of board property (including deliberate misuse, unauthorised use or private use of Board funds);
  - b. fraud;
  - c. fighting and/or assault, and/or serious verbal abuse in the workplace;
  - d. refusing or failing to obey lawful instructions;
  - e. using or being under the influence of non-prescription drugs or alcohol in the workplace;
  - f. lying or otherwise providing false information;
  - g. undermining board policy;
  - h. conduct of an indecent or sexual nature; or
  - i. a serious breach of trust which renders an employee unsuitable for employment in a school environment.
  - j. absence from duty without valid excuse
  - k. gross inefficiency or incompetence as a teacher or staff member
  - l. negligence, carelessness or indolence in carrying out his or her duties.

6. It is possible that not every matter listed above must always be treated as a disciplinary matter. However, in any case of serious misconduct, the Board should still:
  - a. specify the complaints
  - b. give the person concerned an opportunity to answer or explain
  - c. listen to, and take account of the answers
  - d. not prejudge the matter before considering an explanation
  - e. ensure the person is aware of his or her right to representation
  
7. in deciding on the appropriate action, the board should take account of the staff member's service over the years and other relevant factors which should include -
  - a. Is there a history of similar actions?
  - b. Is the person likely to re-offend?
  - c. Are there mitigating factors?
  
8. In any case of serious misconduct under investigation the board will seek the advice of the New Zealand School Trustees Association Advisory Officer. The board will also inform its legal liability insurers as required and prior to any formal steps being taken.
  
9. Mandatory reporting to the Teachers' Council will take place if a teacher resigns within 12 months of a board investigation into possible serious misconduct.

Adopted by Board of Trustees: 11 December 2019