

NMIT KAIMAHI MISCONDUCT POLICY

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	People and Culture		
Approval Date	26.05.2026	Sponsor	People and Wellbeing Manager
Next Review	01.02.2027	Approved by	SLT

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.01.2026	Transition Lead	New

Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- All employees of NMIT, including contracted staff and secondees providing services for NMIT; and those on fixed term contracts (may be collectively referred to as kaimahi in this policy); and
- All governors of NMIT including members and advisors of NMIT Council and governance committees or boards (collectively referred to as governors in this policy).

While contractors and consultants are not covered by this policy or the disciplinary guidelines, their contract may be terminated if they engage in any unacceptable conduct while they are engaged by NMIT.

Te Pūtaki | Purpose

NMIT's employment policies and arrangements are designed to create a positive environment in which kaimahi can be successful in their job. They communicate clear expectations for practice, standards and conduct so that both parties can maintain and enhance the work environment and employment relationship.

This policy sets out the framework NMIT uses to manage occasions where these expectations are not met.

Ngā Mātāpono | Principles

NMIT as a Good Employer

NMIT commits to meeting its ethical, moral and legal obligations to be a good employer and to providing kaimahi with support, guidance, resources and opportunities to maintain high standards in all that they do.

Natural justice

This policy and associated procedures follow the principles of natural justice, ensuring that people are heard and treated fairly without bias, and that decisions are made impartially following fair processes.

Culturally appropriate processes

All parties are entitled to culturally appropriate processes and responses that consider traditional processes for raising and resolving issues.

Confidentiality and privacy

Information is shared only with those who need to know, being mindful of the rights of parties within the process and their entitlement to confidentiality and privacy. We will uphold kaimahi rights to privacy by not sharing any employment matters or decisions with ākongā under any circumstances.

Our Values

NMIT values guide our behaviour as an organisation and establish a foundation for how we all work as part of the NMIT community. Kaimahi have an individual and collective responsibility to behave in ways that uphold our values and maintain integrity and quality in everything we do.

Personal Responsibility and Accountability

NMIT expects all kaimahi to take personal responsibility for ensuring that they conduct themselves with integrity and respect, and that they act in NMIT's best interests and in accordance with the law.

We encourage and support all kaimahi to hold themselves and their peers accountable to the highest standards of behaviour.

Kaupapa Here | Policy Statements

NMIT will investigate allegations of kaimahi misconduct or serious misconduct following the process outlined in [NMIT Kaimahi Misconduct Procedure](#).

NMIT may suspend an employee from work while an allegation of misconduct or serious misconduct is investigated.

NMIT may impose formal disciplinary sanctions where it is found that misconduct or serious misconduct occurred, including:

- First written warning
- Final written warning
- Dismissal

Generally, these will be considered in sequence, however, in instances of serious misconduct, dismissal without notice (or action short of dismissal, such as a final warning) may be considered where no previous warnings have been issued.

In some cases, a breach of the NMIT Kaimahi Code of Conduct may also be a serious wrongdoing under the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#). In such cases, an incident or action may be reported and receive the protections of the Act in accordance with the [NMIT Protected Disclosures Policy](#).

Misconduct

Misconduct is any unacceptable or improper conduct or behaviour which is deliberate, negligent, inappropriate or reckless, and/or breaches NMIT policies and procedures or guidelines including the [NMIT Kaimahi Code of Conduct](#), your employment agreement, management instructions, performance standards or legal compliance standards.

Examples of misconduct include (but are not limited to):

- failure to follow a lawful and reasonable instruction
- aggressive/argumentative behaviour
- breach of NMIT policies or procedures, or your employment agreement
- failing to observe health and safety requirements, or follow Standard Operating Procedures applicable to a role
- using abusive language that may cause offence to another person

- preventing (or interfering with) another kaimahi from carrying out their work function
- continual lateness or lack of application to a role or assigned task
- recurring minor matters.

Serious Misconduct

Serious misconduct is conduct which compromises NMIT’s trust and confidence in you and/or creates serious risk or harm to NMIT.

Examples of serious misconduct include (but are not limited to):

- Threatening, abusive, insulting or violent behaviour
- Serious breach of policies, delegations and/or procedures, or your employment agreement
- Unauthorised absence from work
- Dishonesty including misrepresentation when applying for employment
- Falsification of NMIT records
- Failing to disclose any potential conflict of interest or to adhere to a conflict of interest management plan
- Breach of implied duties such as confidentiality, loyalty and fidelity
- Conduct inside or outside of work that brings (or has the potential to bring) NMIT into disrepute
- Being impaired or under the influence of drugs (illegal, prescription and/or non-prescription) or alcohol while carrying out the responsibilities of your role
- Misuse or unauthorised use or possession of NMIT property or funds
- Acts adversely affecting hygiene, safety or quality
- Consuming or possessing illegal drugs or unauthorised alcohol at your place of work
- Sexual, racial or any other type of discrimination, harassment or bullying
- Unauthorised statements to the media/public about work-related matters
- Unauthorised disclosure or sharing of NMIT information, data or intellectual property
- Any serious or significant breach of the implied duty of fidelity
- Introducing unauthorised hardware or software to NMIT computer systems
- Intentionally downloading, holding, transmitting, viewing or presenting to any other person any sexual, pornographic, racist or other offensive material
- Repeated instances of misconduct
- Behaviours in serious contravention of the [NMIT Kaimahi Code of Conduct](#)
- Being convicted of any crime involving dishonesty, or for which the employee is sentenced to any term of periodic detention or imprisonment, whether or not dishonesty is involved

Ngā Haepapa | Responsibilities

Role	Responsibilities
Line managers	Report all allegations of misconduct or serious misconduct
People and Wellbeing Manager	Provide guidance to managers and kaimahi in relation to conduct and misconduct

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

NMIT Kaimahi Code of Conduct
[NMIT Protected Disclosures Policy](#)

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Kaimahi Misconduct Procedure
NMIT Protected Disclosures Procedure

TURE WHAI TAKE | RELEVANT LEGISLATION

[Privacy Act 2020](#)

[Human Rights Act 1993](#)

[Employment Relations Act 2000](#)