**Guidance Document 2**

**Misconduct, Gross Misconduct and Gross Negligence Definitions**

**Misconduct**

Misconduct is any type of behaviour or conduct at work that falls below the standard required by the University or is a breach of its policies and procedures including, but not limited to, a range of issues such as health and safety; timekeeping; bullying and harassment; obeying reasonable instructions; claiming expenses, and use of email and the internet, including social media.

**Gross Misconduct**

Gross misconduct occurs where a staff member’s actions and/or behaviour are deemed serious enough on their own to justify immediate dismissal.

Examples of gross misconduct include, but are not limited to:

* Theft, fraud or misappropriation of University property
* Physical violence or assault on another person (either actual or threatened)
* Serious lack of care to duties or other people (‘gross negligence’)
* Deliberate and serious damage to University property
* Inappropriate access to and/or use of the University provided internet, email or other University IT facilities
* Serious breach of health and safety regulations
* Serious breach of any University policy or procedure
* Serious breach of confidence and/or contract
* Serious incapability at work due to being under the influence of alcohol or illegal drugs
* Criminal activity which impacts upon ability to perform duties and/or brings the University into serious disrepute.
* Dishonesty or falsification of documents, including Research Misconduct
* Wilful damage to University property or property belonging to a member of staff, student, supplier or other visitor
* Bullying and/or harassment and any other forms of discriminatory behaviour towards a member of staff, student or member of the public, including any discriminatory actions based on race, gender, sexual orientation, religious belief, disability or age
* Unauthorised disclosure or private use of personal data held by the University such as data relating to staff, students, suppliers or other persons associated with the University
* Serious insubordination
* Receiving a bribe or acting in contravention of the *Bribery Act 2010*
* Behaving in a way that damages the reputation of the University, including unreasonable behaviour outside work that would bring the University into disrepute

**Gross Negligence**

Gross negligence occurs as a result of an error on the part of a staff member or staff members due to negligence and the actual or potential consequences of that error are, or could be, serious.

Examples of gross negligence include, but are not limited to:

* Serious negligence which causes or has the potential to cause unacceptable loss, damage or injury to other members of staff and/or students and/or third parties
* Deliberate damage to University property or damage caused through negligence
* Failing to reasonably secure University property, systems or information
* Failing to follow health and safety procedures to the potential and/or actual detriment of other members of staff and/or students and/or third parties