

## **FAQS – Marking and Assessment Boycott**

### **What is a Marking and Assessment Boycott?**

It is a form of Industrial Action Short of a Strike where an employee refuses to undertake an activity that falls under marking and assessment. This covers all marking and assessment process that contribute to the summative assessment decisions at all levels.

### **Will pay be withheld?**

Yes. UCU have asked members to engage in a Marking and Assessment boycott from the 20 April 2023. The University will not, however, be deducting pay until the 19 May 2023.

The University is not accepting partial performance of contracts so there is no legal obligation to pay any salary in these circumstances. Whilst the MAB started on 20 April, anyone identified as refusing to undertake any form of marking and assessment (including posting, releasing, uploading marks and or providing feedback) as from 5pm on Thursday 18 May will have pay withheld in response to that breach of contract. Pay will be withheld for each day from Friday 19 May (inclusive) until individuals confirm they:

- a) have completed their outstanding marking (see below) or,
- b) where that was not possible because the work had been reallocated, they have confirmed in writing that they were no longer participating in the MAB.

### **What pay will be deducted?**

Whilst there is no legal obligation to pay any salary in these circumstances and we are withholding pay for not fulfilling contracts, we have decided to make payments to individuals taking part in the MAB at 50% of normal rates, subject to normal payroll deductions. The University will continue to review the impact of the boycott (and whether any further industrial action is taken) and reserves the right to change this figure, up or down. We will inform employees of any such change.

Pay will be deducted from the June payroll onwards as follows: June Payroll (19 May – 12 June; 13 June – 12 July; 13 July – 10 August) and so on as per the published [cut off dates](#).

### **Marking and assessment doesn't take up 50% of my time – why are you deducting 50% of my pay?**

Anyone taking part in the MAB is in breach of their contract. The University does not accept partial performance and is not obliged to pay any salary. We have chosen to continue to make payments to staff taking part in the MAB at 50% of their normal salary as a proportionate response.

**I am taking part in the MAB. I have decided to perform some work voluntarily. My manager has given me various directions and instructions to perform and prioritise particular tasks. Does that mean that I am going to be paid in full?**

No. Those who take part in the MAB, will not be paid in full. Any work being performed is being performed voluntarily, even if that work involves complying with management instructions or directions. Complying with those instructions and directions should be viewed as voluntary unless you are told otherwise. If partial performance is to be accepted, then you will be told that at the time of the instruction and, only then, will it be obligatory to comply; and only then will you be paid in full. That said, if you do choose to work, it would be helpful if you could prioritise tasks as “instructed” or directed by management.

**How will the deductions be calculated?**

Deductions will be calculated at a rate of 1/365<sup>th</sup> of basic annual salary x 50% (or a different amount should this be reviewed or changed by the University as above) for each calendar day of action (excluding bank holidays and authorised annual leave).

**Can I book leave if I’m taking part in the MAB?**

Leave can be booked and authorised as normal by your Head of School/Line Manager. During periods of authorised leave, pay will be unaffected by the deductions.

**When will deductions start?**

From Friday 19 May 2023, for all individuals identified as participating in the marking and assessment boycott.

**When will the deduction in pay end?**

Pay will be deducted for each day from Friday 19 May until individuals confirm they:

- a) have completed their outstanding marking or,
- b) where that was not possible because the work had been reallocated, they had confirmed in writing that they were no longer participating in the MAB.

**How has the University arrived at a figure of 50%?**

The failure to undertake marking and assessment is a breach of contract, and this is a position we cannot accept. There is no obligation for the University to make any payment to those participating in the marking and assessment boycott and we are not accepting partial performance. The level of payment that is made is at the discretion of the University.

**What will be the impact on my pension?**

As with strike days, all employee and employer pension contributions will be maintained at the normal rate during the pay deduction period.

**Do I have to tell my line manager/HR that I am participating in the MAB?**

Yes, from 20 April, when the marking and assessment boycott commenced, if you are asked, you should answer honestly. Individuals will be asked to self-declare their participation in the MAB via the Staff Strike Portal. Once this is available, staff will be notified, and asked to confirm participation by 5pm on 18 May 2023.

**How do I confirm that I have ceased participation in the marking and assessment boycott?**

You will be able to confirm, via the Staff Strike Portal, the date you cease participating in the MAB. By doing so, you are confirming that you are resuming full contractual duties, including the prioritisation (over nonteaching duties) and completion of all outstanding marking and assessment duties including posting, releasing, uploading marks and or providing feedback.

Individuals should also notify their Head of School/Director of Teaching in order outstanding activities can be prioritised.

**What happens to the pay that is withheld?**

As with all deductions resulting from Industrial Action, withheld pay is used to support student welfare.

**I am not intending to participate in the marking and assessment boycott, do I need to do anything?**

No. If you are asked by your Head of School/Director of Teaching, you should inform them of this. You **do not** need to submit a declaration via the Staff Strike Portal.