

## **For UCU members intending to participate in Action Short of Strike including a Marking and Assessment Boycott**

This section provides you with information relating to your contract of employment and participating in Action Short of Strike (ASOS) including a marking and assessment boycott.

1. Any member of staff who is a member of UCU and participates in Action Short of Strike (including a marking and assessment boycott) will be considered as taking industrial action. (Please note that if you are not a member of the UCU you must not take industrial action as you would be considered as taking “unofficial action” and do not have the contractual immunities that apply to lawful industrial action).
2. Clearly, we would want to avoid unnecessary disruption to students and would hope you will be able to notify your Head of Department of any intended action.
3. The University does not accept partial performance and as Action Short of Strike (including a marking and assessment boycott) is considered a breach of contract the University will withhold one day’s pay for each day of action on a continuous basis.
4. Staff taking industrial action will also lose pension contributions (both employer and employee) for each day of action which could affect pension benefits. The different pension schemes have different rules regarding action and you are urged to seek advice from your trade union before taking action as this may significantly impact upon your benefits. Please see FAQs below.
5. If you are absent due to ill health during this period of action then normal local sickness absence reporting procedures must be followed.

### **Action Short of Strike (ASOS)**

#### **What is Action Short of a Strike (ASOS)?**

Action short of strike (ASOS) commenced on 23 November 2022 and may currently continue until no later than 30 September 2023.

ASOS is limited to the actions which were provided on the ballot paper, which in this dispute are:

- Working to contract
- Not covering for absent colleagues
- Removing uploaded materials related to, and/or not sharing materials related to, lectures or classes that will be or have been cancelled as a result of strike action
- Not rescheduling lectures or classes cancelled due to strike action; and/or
- A marking and assessment boycott (from 20 April).

When a colleague participates in ASOS, they are only considered to be partially performing their duties and they may be in breach of their employment contract.

#### **Will pay be withheld for participation in ASOS?**

Your pay will be withheld at the rate of 100% on a continuous basis whilst you are participating in ASOS and until such time you resume normal full duties.

## **How do I inform the University that I have stopped participating in ASOS?**

On the day that you resume normal working and are carrying out your full duties you must inform your Head of Department and School Manager on that day. This will be the day formally recorded as resuming full duties and your pay will be re-instated from that date.

## **Marking and Assessment Boycott**

### **What is included in a marking and assessment boycott?**

- Marking, moderating, providing feedback on coursework, exams or other types of summative (not formative) formal assessment;
- Posting, releasing, uploading marks or feedback;
- Attending/engaging in exam boards or any other meeting or forum related to marking and assessment;
- Preparing marking materials;
- Administration related to marking.

### **When does participation in the marking and assessment boycott begin?**

If you participate in the marking and assessment boycott this can only be from 20 April as per the UCU formal notification.

You will be considered to be participating in the boycott if from the day after a student hand in deadline passes you choose not to carry out any activity as outlined above.

You may choose to declare to your Head of Department and School Manager that you are taking part in ASOS in the form of the boycott. If you choose not to declare, at the point at which marks are available (usually 3 weeks after the student hand in deadline) you will be considered to be taking action and as such pay will be withheld from the point at which student work was available to be marked.

### **When does participation in the marking and assessment boycott end?**

The UCU mandate is in place until 30 September and therefore any member of staff participating in the boycott and/or any other form of ASOS as outlined above will be considered as not carrying out full duties as the University's stated position is that partial performance is not accepted. As such pay will be withheld throughout that period.

Participation in any form of ASOS will end if:

- UCU ends the marking and assessment boycott; or
- UCU's mandate for industrial action expires (currently on 30 September 2023)
- You notify your Head of Department and School Manager that you have resumed full duties.

**When will pay be withheld for Action Short of Strike including the marking and assessment boycott?**

Pay will be withheld continuously at a rate of 100%. This will be continuous from the date you start to participate to the date that you notify your Head of Department and School Manager that you have resumed full duties.

Pay will be withheld from the next available payroll after action is taken. For example, pay deductions for participation in ASOS in April will be withheld in May payroll, and for participation in May pay will be withheld in June payroll, and so on.

**What happens to my pension if I take action?**

If you are a member of Teachers' Pension Scheme or the West Yorkshire Pension Fund for each day you take action, you will lose a day of pensionable service and contributions will not be made. You are unable to buy back any days lost.

If you are a member of the Universities Superannuation Scheme, for each day you take strike action you will lose a day of pensionable services and contributions will not be made. You can, however, choose to purchase back service for each strike day you take. Please contact Payroll for further information.