



OU Branch of UCU Marking and Assessment Boycott Guidance

V1.4 additions are highlighted in green

- Inclusion of portfolios in boycotted work
- Clarification about coordination - type of script used is not relevant
- Updated guidance about data protection issues
- Risk logs are not boycotted
- Conflation & Outcome reports are boycotted
- Inclusion of guidance relating to overseas examination work
- Inclusion about reporting participation – complete the 'start' form, do not return the 'stop' form
- New guidance: AL annual leave
- New guidance: if you are asked to do work to replace boycotted work
- New guidance for ALs – if students are unhappy with reallocated marks/feedback

Dear OUBUCU members,

From Thursday the 20th of April UCU is undertaking a Marking and Assessment Boycott (MAB) for the duration of the latest mandate. The following FAQs are a guide for all staff including a letter for students. This should give you the initial information you need to work within the guidelines of the MAB at the OU. We will continue to answer questions and build these FAQs over the coming weeks.

VERSION: 1.4 (26 May 2023)

Contents

[General Questions](#)

[Letter to students](#)

[FAQs for ALs](#)

[FAQs for ST/SEMs](#)

[FAQs for central academics/module team members and curriculum managers](#)

General questions

1. When does the Marking and Assessment Boycott (MAB) start?

The boycott started on Thursday 20 April.

2. When will the MAB end?

The boycott is being undertaken as industrial action short of a strike. The mandate for the action runs from April 2023 and lasts for up to six months unless renewed.

How long the boycott lasts will depend on the progress that UCU negotiators are able to make with management over the Four Fights dispute on pay, casualisation, workload and equality. UCU will communicate regularly with members to update on progress, and/or advise on a pause or cessation of action.

3. What is included in the MAB?

A marking and assessment boycott covers all marking and assessment processes that contribute to summative assessment decisions for students/learners, whether final (i.e. graduation/completion) or interim (i.e. progression decisions).

The boycott covers all summative marking and assessment, whether expressed numerically or in any other form--in writing, via an online form, or verbally, of all assessed work e.g. coursework and examination marking, assessment of fieldwork, exhibits, practical work, scientific experiments, presentations, posters etc.

The boycott also covers assessment-related work e.g. exam invigilation; processing of marks; submission of completed marking through any university administrative procedure; assessment-related administration such as distribution of scripts/papers to be marked, organisation of/preparation for exam/assessment boards/meetings; attendance at exam boards/meetings. Many of the activities covered by the boycott will involve academic-related and professional services (ARPS) UCU members as well as academic staff.

For the OU, this includes TMAs, EMAs, exams, and related activities such as MRPs and CEABs. It also includes assessment of student portfolios, and for Practice Tutors it includes signing off that work meets certain criteria in order for it to achieve a pass in the student's portfolio.

Monitoring and verification are also included.

Overseas examination/quality assurance is included where this is part of your OU contract.

4. Will I have pay deducted?

Your employer is legally entitled to make deductions from your pay if you take part in industrial action that includes refusing to undertake contractual duties, including marking and assessment. Taking deductions damages good will among staff especially if the deductions are disproportionate to the work that is not done.

Legally, deductions can be up to 100% of pay while you are participating in ASOS where there is a breach of contract (that is, not just 'working to contract'). The employer may consider work undertaken to be undertaken on a voluntary basis. 'Partial performance' is deemed, in law, to be continuous until the dispute ends—even on days when members have no marking to do. This means you can have pay deducted every day for the duration of the MAB from the point when your participation begins.

Although the university reserves the right to make deductions at 100% of salary, the OU UCU branch has made an agreement that deductions will be kept to 20%. In return all members who participate are asked to notify of their intention to participate in the MAB at least 48 hours in advance (starting on April 20, not before). Deductions will be postponed by the university until the MAB is concluded or the end of the mandate, and this means we hope that deductions will not be made after all.

If pay deductions are made, members will be able to seek support from the national and OU hardship funds and they will not be expected to make up work for free. However we have agreed that provided the work is paid, at the end of the MAB our members will take reasonable steps to complete marking or any outstanding actions in a timely way.

5. Will I have pay deducted if I take annual leave during the MAB period?

No, you are entitled to full leave pay on annual leave days taken during the MAB period.

6. Do I need to inform anyone I am taking part in the MAB and when?

Our agreement with the university (see pay deductions, above) is that UCU encourages our members to notify line managers (or relevant ST/SEM) that you will be taking part in the MAB at least 48 hours (where possible) prior to starting participation. You should give the 48 hours notice for each submission point. This may mean contacting Tuition Managers on multiple modules rather than just your Line Manager. Remember that each notification increases visibility of the action.

The university have asked individuals taking part in the MAB to report the start date of their participation using [this form](#). UCU encourages members to fill in this form to the best of their ability. Our current advice is that you do not complete the 'stop' form.

If it is not possible to give advance notice of your participation (e.g. you are unexpectedly asked to complete a task relating to assessment, such as a student appeal remark, or editorial work on TMAs), please fill in the form as soon as you can, giving the date you first declined work as your start date. Please note that the amount of notice you are able to give does not have any impact on deductions.

7. I've been asked to do work that replaces the work I'm boycotting. What do I say?

We suggest you reply using this template: 'The OU is deducting salary for the assessment-related work that I am legitimately refusing to do as part of the [marking and assessment boycott](#). Because deductions are being applied, I don't consider any request for me to do alternative work as reasonable. However, if you advise me on what the OU's formal position is on asking colleagues to take on alternative work, I'll then seek advice from the union and get back to you as soon as possible'.

Help! I have another question.

Your question may be covered by the national [UCU FAQs](#). If not, please come to one of our workshop sessions (check your emails for details) or email ucu@open.ac.uk

Members may also wish to join our private Slack platform – details sent by email and available from the office at ucu@open.ac.uk

We will update these FAQs regularly based on questions asked by members.

1. What about ASOS – Is that different from the MAB?

The MAB is one part of the 5 parts of Action Short of a Strike ongoing at present.

We ask that members (especially those who are not able to participate in the MAB) continue to highlight their participation in ASOS through email signatures, out of office notices, and refusing activities covered by ASOS.

Observing ASOS is a way to make workload visible to managers and remind oneself (and colleagues) to take breaks and keep healthy hours.

The other four elements of ASOS are:

- working to contract
- not undertaking voluntary activity

- not covering for other colleagues
- not rescheduling classes or tutorials cancelled because of strike action.

2. What should I say when I decline work because of the MAB?

We suggest the following wording

Note: Welsh language version available shortly

'I am unable to [attend this meeting/mark these scripts/undertake this task] because I am taking part in UCU's lawful industrial action in the form of a marking and assessment boycott.'

3. I don't have anything to do with Marking and Assessment – how can I support colleagues?

If you can afford it, please also consider donating to the Hardship Fund so that we can give financial support to members. [Branch Hardship Fund information | University and College Union \(open.ac.uk\)](#) Highlight the boycott on social media using #ucuRISING #OUmab #Mabulous #SettleTheDispute and, if you feel comfortable, on your university profile and email signature.

Do come along to drop-in sessions and solidarity meetings. The private UCU Slack area is also a good place to share supportive thoughts (see 6 above – since it is private details are circulated via email or can be requested from the office ucu@open.ac.uk)

4. I'm a staff member on a visa – what should I be aware of?

National UCU has produced detailed guidance for migrant staff. The key points are that members should declare in advance (which is already part of our encouragement to all members at OU) although this is unlikely to be regarded as an 'absence'. Also if the visa has a family salary threshold then the member will need to be sure not to fall below that threshold. (At the OU if deductions are taken at the end as threatened, they will be phased and where there are potential issues we would expect to negotiate so that members do not fall afoul of Home Office rules.) [UCU - Migrant workers and taking action](#)

Letter to students

Also available in Word version, and Welsh translation, at <https://ucu.open.ac.uk/node/452>

Dear students,

As you probably know, there has recently been UK-wide strike action in universities about pensions, pay, job security, equalities issues and workload. Thanks to those of you who have offered support to your tutors and who have e-mailed the OU's VC. There is a clear pathway to a resolution on pensions, which is good news. Unfortunately, negotiations on other issues have not yet been so productive.

UCU have therefore notified universities that a marking and assessment boycott began on 20th April.

If you are an international student whose visa status may be dependent on receiving grades, then please contact ucu@open.ac.uk.

1. What this means for you

A marking boycott may delay delivery of TMA marks, module grades and award and classification of degrees:

- Your tutors will not mark or return TMAs. This is a delay, not a cancellation; the OU will look for alternative tutors to mark your academic work.
- EMAs and exams will not be marked on the normal timescale.
- Staff participating in the boycott will not be doing work that immediately follows EMAs and exams, including module results panels. This means that end-of-module results may be postponed, which will also delay awarding of degrees for students who are at that stage.

2. How we will continue to support you

- This is a marking boycott, not a teaching or learning boycott.

- Here at the OU, our TMA feedback has always involved teaching as well as assessment. The union proposed that tutors be allowed to return assignments with teaching feedback but without a mark (which would have been awarded when the dispute is resolved). Unfortunately, the university rejected this despite our argument that lack of feedback would be damaging to many students. This means the boycott will also include postponement of assignment feedback, not just marks.
- Your tutor and Student Support Team will be available as usual and tutorials will go ahead as scheduled. Your tutors can help you to prepare for TMAs and exams but may not mark them.

3. What you can do

- We understand that this situation may cause inconvenience and stress. If there is one for your module, use the Assessment Calculator (from your StudentHome page, go to 'online TMA/EMA service' and then 'predict your module result using the Assessment Calculator')
- Continue to register for your next module as usual.
- We understand if you are angry about this dispute and we are too. Your tutors are particularly angry that we have been prevented from providing feedback on your TMAs despite the offer to do so throughout the boycott
- You can play an important part in changing the direction of this dispute. Please email the Vice Chancellor (vice-chancellor@open.ac.uk) asking him to negotiate nationally on pay, workload, the equality pay gaps and job security. There is a template here you can use: [UCU - Email your VC or principal](#)
- Let OUSA know your views (<https://www.oustudents.com/student-leadership-team/vp-education/>).

We hope that together we can improve your learning conditions and our working conditions.

Best wishes from all UCU members (including tutors, module teams, student support teams and other university staff)

FAQs for ALs

In addition to the General FAQs above:

- a) Please do not do any exam or EMA marking
- b) All TMAs as of the 20th of April, regardless of the submission date, whether they have been downloaded or not, are subject to the MAB. This does cover TMAs from students who had extensions. The boycott covers work you will be doing on the days you would normally be marking from the 20th of April, not based on submission dates of assignments.
- c) Please do not do any monitoring or verification tasks, mark assignments or exam papers, or write tutor notes for assessment
- d) Work that is done through a separate contract will not be paid as per the terms of that contract unless the work is only delayed and resumes at a later date.
- e) Coordination meetings are included in the MAB and we ask you not to do them. However, you can attend generic training on assessment that does not relate to a current assessment task. If you're not sure, please contact the office for advice: ucu@open.ac.uk
- f) Please do not mark summative TMAs. Summative means that in some way the module result depends upon the mark awarded, even if only in terms of meeting a threshold for progression. You may return marked formative-only assignments i.e. those whose marks have no bearing on the module result or progression. This might include for instance TMA 00.
- g) Please do not mark or return work as part of an Academic Conduct Review. This work can contribute to the overall student grade and is therefore subject to the MAB.
- h) In accordance with the local agreement the branch encourages you to let the relevant Staff Tutor/SEM know at least 48 hours in advance of a student submission deadline or other task that you will be participating in the MAB.

i) Students are advised [here](#) to contact their own tutor if they are unhappy about feedback from reallocated TMAs, and are asked to attach a copy of the essay. (They are asked to contact Student Support if they are unhappy with the mark). We would not normally comment on another tutor's feedback and this might result in the mark being changed and so should be boycotted. Instead, we suggest you include this in your reply to the student:

We had really wanted to be able to continue to provide you with assignment feedback (although without the mark for the duration of the boycott) but,

unfortunately, the VC refused. I'm afraid that I can't comment on another tutor's feedback. Instead, please send your request to the Student Support Team'.

i) We are encouraging you to use your annual leave entitlement (the current leave year ends on 31st July). You can find your annual leave entitlement (displayed in hours) in Success Factors (go to 'My employee file', then click on 'time off.'). There is a temporary AL annual leave policy that runs until the 31st July, with the new, permanent policy coming into effect after that.

Up until the 31st July, If leave is for less than three weeks, there is no need to notify your line manager if there will be no impact on your students. If you have student groups over the summer, we would encourage you to take a complete break, and so to consider arranging cover for any student enquiries (until 1st August, we're expected to arrange our own cover). Then please record your annual leave on Success Factors. If you're unable to find cover or if leave is for more than 3 weeks, please speak to your line manager (before recording leave on Success Factors).

Note: The number of hours on Success Factors can be confusing. You don't have to accept the default number of hours for the days you book. If you are part-time a day won't be many hours especially at a quiet time of the year.

From the 1st August, The policy has not yet been updated on the intranet but the Contract Change Programme sent an email on 5/4 advising that from 1st August, ALs should no longer record annual leave on Success Factors. Instead, we are asked to keep our own record. From this date, and in line with other staff, we are expected to consult with line managers and take leave at a time when we do not have a heavy workload. We are asked to provide notice of double the leave time plus one week, although we'd hope this won't necessarily be the case when the AL's work for the year has finished. If cover will be required, please raise this with your line manager as soon as possible because they will be responsible for organising it.

You can find national UCU guidance on the marking boycott [here](#).

FAQs for ST/SEMs

i. What will my ALs not be doing?

ALs will not be marking assessments. TMAs which are formative-only (and not required for progression) will be returned but feedback and marks will not be given on most TMAs.

ALs participating in the MAB will not take part in monitoring, verification or activities related to assessment. The boycott covers coordination where scripts are judged and work around marks and processing of marks. This includes Academic conduct and plagiarism case investigation and re-marking.

ii. When will I know if an AL is participating in the MAB?

The branch has agreed to encourage members to notify their Staff Tutors/SEMs at least 48 hours in advance including 48-hours in advance of a student submission deadline.

As with other forms of action individuals may consider their participation day by day.

iii. Should I sign off monitoring?

As monitoring is related to assessment you should not be signing this off during the MAB. Please do not fill in any missing grades during this period.

iv. I work as part of a module team, what should I do?

Please see the guidance below for central academics and curriculum managers on module Teams. You can continue to perform most duties in your module team but if those duties are related to assessment they may be subject to the boycott.

v. Should I be reallocating work?

UCU asks that those participating in the MAB do not re-allocate assignments for marking. We should state that we are taking part in the MAB using the suggested template and not engage with work relating to assessments.

Please also see the FAQs for ALs and other staff as the ST/SEM role covers many aspects of this work. If you are unsure please contact the branch office (ucu@open.ac.uk) with any questions.

FAQs for central academics, module teams and curriculum managers

A. What OU work is covered by the boycott?

As an overall principle, any task that forms part of the assessment process, or contributes to a student's grade, is likely to be covered by the boycott. The following marking and assessment-related tasks are likely to be relevant for central academics, module teams, and curriculum managers. This list is based on [national UCU guidance](#) but adapted for the OU way of working.

The following tasks are covered by the boycott so you should not participate in them:

- Writing TMA, EMA, or exam questions and associated guidance/marketing criteria.
- Handing over, editing, or carrying out administration relating to future assessment. This includes returning Conflation & Outcomes parameters confirmation.
- Arranging, administrating, chairing or attending meetings that form part of the process of assigning marks to students' work:
 - Coordination processes and meetings
 - Standardisation meetings
 - Module Results Panel (MRP) meetings
 - Cluster Examination and Assessment Boards (CEAB) or meetings with external examiners
- Any marking of summative TMAs
- First or second marking of EMAs or exams
- Third marking of EMAs or exams
- Re-marking student work as part of appeals
- PhD/professional doctorate examinations and vivas, including MPhil to PhD upgrade vivas
- Monitoring
- Academic conduct disciplinary investigations, re-marks, or Investigation Panels in relation to fitness to practise

B. What about tutorials or events that support students with assessment?

Tutorials, events, or other work focused on supporting students with their assignments should still go ahead as this is considered teaching rather than assessment.

C. What about assessment work in production or maintenance?

Setting assessment questions is covered by the boycott. Therefore the following tasks should not be done in relation to modules in production or maintenance for an upcoming presentation: writing assessment questions, associated student guidance or marking guidance; giving feedback on draft assessment, associated student guidance or marking guidance; responding to editorial queries on draft assessment questions, associated student guidance or marking guidance; editing or proofreading assessment questions, associated student guidance or marking guidance; publishing or updating assessment questions, associated student guidance or marking guidance on student websites; **setting or confirming Conflation & Outcomes parameters**.

D. What if I am asked to reallocate work?

You should refuse to reallocate marking or assessment-related activities boycotted by UCU members to other staff. If you are asked to cover any marking yourself, you should decline to do this using the suggested template.

E. Should I take part in PhD or professional doctorate examination/vivas? What about upgrade vivas?

Doctoral examinations/vivas and upgrade examinations/vivas are forms of assessment so you should not take part in these as an internal examiner or chair.

F. Should I refuse to cover for absent colleagues or cover for work from colleagues participating in the marking and assessment boycott?

Yes, you should refuse to cover for absent colleagues, and if you are asked to cover other colleagues' marking and assessment-related work, you should also refuse. If you are under pressure to provide cover, please contact the branch immediately (ucu@open.ac.uk).

G. I'm an external examiner for another institution -- should I do this work?

The national guidance is you should still do any external examining you have entered into a contract for, even if the other institution is participating in the MAB, as you have been balloted in relation to action at your principal employer. External examiners can have a crucial role in raising questions about quality assurance during the MAB. See the national [UCU FAQs](#) for action you can take in relation to external examining duties at another university.

H. What information can I give students about the industrial action?

Please see the draft letter to students earlier in this document. Generally it is fine to supply factual information including about your own participation in the MAB and point the students to a source of information such as the UCU branch website.

I. What if I'm a line manager?

If you are a line manager:

- Do not reallocate marking and assessment-related activities boycotted by UCU members to other staff
- You may be asked to keep track of individuals who have declared their participation in the MAB because the local agreement with the branch is that members are encouraged to tell managers at least 48 hours in advance of their participation in the MAB
- If you are asked to make an evaluation about the amount of time that someone 'normally' spends on marking and assessment-related activities, seek advice from the branch (ucu@open.ac.uk).
- If you are asked by senior managers to provide information on the impact of the marking and assessment boycott, we suggest replying only in general terms and avoiding identifying individuals. **You should complete a risk log if asked.**
- Some teams are designing new ways of working to pool resource for re-allocating marking. Please help ensure all colleagues are paying close attention to data protection. Taking part in the MAB indicates probable union membership by proxy, and union membership is sensitive personal data. Therefore names of those participating in the MAB should not be shared except for proportional 'need to know' reasons. **If names have to be shared, then please don't disclose the reason that the work is not being completed.**

J. I don't have any work related to marking or assessment during this period, what should I do?

If you are not scheduled or asked to carry out any duties relating to marking and assessment, you should work as normal during this period while observing the other parts of ASOS. However, if you are subsequently asked to carry out such duties, you should refuse to do so. No colleague should under any circumstances mark work that was previously assigned to another colleague who is participating in the boycott, or cover for any other marking/assessment-related work.

- Donate to the local Hardship Fund and/or [national fighting fund](#)
- Join Slack and our solidarity events and drop-in meetings
- Get in touch with the UCU branch committee to volunteer to help

- Reach out to colleagues you know are participating in the MAB with messages of support
- Write to the Vice-Chancellor, emphasising your worries about the impact on our students and asking him to put public pressure on UCEA to make us a better offer (vice-chancellor@open.ac.uk)
- Write to your MP using UCU's template to highlight the threat of unreasonable pay deductions across the sector. [UCU - Ask your MP to put pressure on university vice-chancellors](#)
- Change your [Microsoft profile picture and/or Teams background](#) to show your support of the UCU Rising campaign
- If on Social Media, use hashtags such as #Mabulous #OUmab **#SettleThe Dispute** #ucuRISING
- Send other creative solidarity ideas to ucu@open.ac.uk!