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12 May 2023

Dear Cardiff UCU Executive Committee

We write in response to your further correspondence of 4 May 2023 regarding the marking and assessment boycott (MAB).

As we have previously communicated, employers are legally entitled to withhold pay from an employee who chooses to take industrial action which breaches their contract.

We have been clear throughout that this institution rejects partial performance. It is the policy of Cardiff University to withhold pay of staff who participate in industrial action, and as communicated we reserve the right to withhold 100% of pay from any member of staff who participates either in strike action or action short of a strike, or both. Staff members who refuse to carry out any of their contractual duties as part of the industrial action will be committing a breach of their contract of employment.

We regard the marking and assessment boycott as action that goes to the heart of the contract of employment for academic staff involved in student learning and teaching and affects the fundamental duties of such academic staff. The action has the potential to have a serious adverse effect on our students and the reputation of our institution. Where a breach does occur we reserve the right to withhold 100% of pay, at a daily rate of 1/365th of annual salary. However, it has been decided that, in the first instance, we will withhold 50% of pay from the date on which the staff member begins to take part in this form of action. The payment of salary for the remaining 50% is discretionary. Staff who take part in this form of ASOS but perform the rest of their duties as normal, do so on a voluntary basis and Cardiff University is under no obligation to pay them for any work done during the period. We reserve the right to increase the percentage withheld to 100%, during any period where we judge the impact of the partial performance on Cardiff University, including on our students, to have become even more serious.

It is not accurate to describe our position as punitive. We have a duty to protect students and so we reject partial performance and as you know are legally entitled to withhold full pay for partial performance of duties such as MAB.



Mae'r Brifysgol yn croesawu gohebiaeth yn Gymraeg neu yn Saesneg. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The University welcomes correspondence in Welsh or English. Corresponding in Welsh will not lead to any delay.

Elusen Gofrestredig, rhif 1136855
Registered Charity, no. 1136855

In direct response to your three questions:-

- (i) See response above.
- (ii) Not applicable - see above.
- (iii) As these are national collective matters, it requires both UCEA and the national trade union representatives to find a route through to a solution.

Regarding your final point, it is our continued position that our response to MAB is a direct consequence of the action being undertaken by UCU and proportionate given the impact on our students.

Yours sincerely

University Executive Board