

25 April 2023

Dear members of the University Executive Board (UEB),

We note HR's message to staff dated 19 April and the linked FAQs on the intranet. We are writing to express our disappointment at the policy outlined in the mentioned message and FAQs.

Universities across the UK have responded to UCU's marking and assessment boycott in a range of ways. Some institutions have announced that they will not be making salary deductions for participation in the marking boycott (e.g. London Metropolitan University, Ulster University). Other institutions (e.g. Warwick University) have asked staff to report the number of hours they would have spent on marking (while others use workload allocations to calculate these numbers) and make a proportionate deduction for those hours. Yet other universities are deducting a fixed and much lower percentage (e.g. 20% in the case of the Open University, 25% at Sussex University). However, we find that our own institution appears to be among those universities that have adopted an extreme position. The position that UEB has adopted seems to be that staff who commence participation in the marking and assessment boycott are stripped of their right to any pay at all from the time when they start to participate in the boycott.<sup>1</sup> Even if in certain cases discretionary payments might be made, this policy is evidently grossly disproportionate, considering that the Marking and Assessment Boycott represents legal industrial action in relation to legitimate staff grievances: our members are choosing to boycott a small part of their normal duties because they are unwilling (and in many cases unable) to accept huge real-terms pay cuts and the continuous erosion of their working conditions while facing excessive workloads as shown in numerous staff surveys.

If Cardiff University's UEB were to persist in reacting to legitimate industrial action with an extreme, punitive policy, we fear that the result would fundamentally threaten the University's and its students' interests (and not safeguard them as UEB may intend). If UEB attack their staff, they attack the University itself.

If enacted, UEB's current policy will result in serious damage. It is very clear from a large number of reactions from members that the current HR policy is highly corrosive to staff's identification with the ethos and goals of the institution as a whole and those of the university leadership in particular. Cardiff University relies in all aspects of its operation on the goodwill of its staff and on their willingness to go above and beyond their duties in their service to the institution. This goodwill is seriously threatened to the point where the institution will no longer be able to rely on the generosity of staff in its service in the future. For the sake of short-term pressure tactics, the University is putting at risk the very fabric of relations that secures its long-term survival as a successful institution of higher education. It is also very clear from expressions of solidarity we are receiving from all sections of society that there is a very high risk of extensive damage to the reputation of the institution and the personal reputation of those responsible for this policy. Asking staff to perform their duties on a voluntary basis, not because there is no money to pay them, but simply to spite and

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<sup>1</sup> Your wording is 'Staff who take part in this form of ASOS [NB: in the marking and assessment boycott] 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, whether in the University, at home or elsewhere, and any such work would be voluntary on their part.'

punish them will inevitably be perceived as a shockingly shameful deed, likely marking the lowest point in the otherwise proud 140-year history of our institution. In an area like South Wales, where there is a strong collective memory and keen awareness of injustices and pain meted out to workers engaged in industrial action, the public will stand in solidarity with those at the receiving end of what will be seen as the vindictive, extreme, punitive and above all unnecessary policy that UEB may be about to implement. As of yet, the general public, civil society and the Welsh Government have not learnt of the detail of this extreme policy and the damage it is about to inflict on Wales' prime institution of Higher Education. There is currently still time to reflect, recalibrate, step back from the brink and adopt a reasonable stance before severe damage is done.

We therefore urge UEB to reconsider HR policy in relation to pay deductions for the sake of the institution as a whole and all its stakeholders and to move away from the extreme position that appears to have been adopted. We invite the UEB to consider more carefully also whether their HR policy is in conformity with Cardiff University's motto of 'Gwirionedd, Undod a Chytgord' (truth, unity and concord).

Should UEB wish to persist with their current policy, we also need to warn you that our members are entirely unclear on central aspects of your policy and its feasibility, including over whether you are indeed refusing partial performance or you are rather accepting partial performance but are making a 50% deduction. Given the gravity of potential impacts, we feel this represents a highly irresponsible way of managing staff relations. It goes without saying that before enacting any part of the policy, HR would need to be very clear in confirming to each member of staff individually the exact date from which they will be deemed not to be carrying out their duties and may lose their right to pay. Leaving this unclear means that staff will have no way of knowing whether they are at any point volunteering and indeed whether they can expect to be paid for their work. This is clearly no way of running a university or any kind of organisation and will result in chaos. We find heads of schools, despite being named as contacts, are unable to provide any clarity, adding to the confusion and mixed messaging. In the appendix to this letter we have collated illustrative examples of points on which your FAQs are unclear.

We request that you inform us by Thursday (27 April) whether you are persisting with your policy as announced, so that if necessary, we can enact an appropriate response which may include making use of Cardiff UCU's authorisation to call our members out on a full strike at 14 days' notice. We would much rather avoid having to use this course of action.

Kind regards,

Cardiff UCU executive committee

**Appendix.** A list of urgent key questions your FAQs do not address. The questions illustrate the chaos UEB's policy creates and the threat to the proper functioning of University business that results from the apparent inability to be clear about what UEB's policy is and what it means.

- Are National Insurance and other deductions payable on your discretionary payment of 50% of salary for those members of staff who choose to volunteer to carry out all of their other duties? If the payment is a salary, does this mean that *de facto* you accept partial performance?
  
- When do you intend to **start and stop** imposing pay deductions in the following scenarios:
  1. A member of staff does not attend an assessment-related meeting. They resume their full contractual duties after the meeting – this attendance is clearly not recoverable. If pay is withheld, for how many days do you intend withholding pay while the member of staff is fulfilling their full contractual duties?
  2. A member of staff does not attend a viva which they would have been chairing – this attendance is clearly not recoverable. They resume their full contractual duties after the viva. If pay is withheld, for how many days do you intend withholding pay while the member of staff is fulfilling their full contractual duties?
  3. A member of staff does not act as a moderator for a set of marks, so moderation duties are passed to a non-unionised member of staff who moderates those marks – this work is clearly not recoverable. They resume their full contractual duties and as moderation has now been completed they are no longer asked to (and cannot) moderate those marks. If pay is withheld, for how many days do you intend withholding pay while the member of staff is fulfilling their full contractual duties?
  4. A member of staff refuses to process marks and feedback that another member of staff has provided – this work is clearly not recoverable. The marks are processed by a different members of staff as a result. If pay is withheld, for how many days do you intend withholding pay while the member of staff is fulfilling their full contractual duties?
  
- How do you intend to resolve the contradiction between the two statements below, taken from your FAQs.
  - “Pay deductions will commence from the point at which staff participate in the ASOS activity that amounts to partial performance and will continue until full contractual duties are resumed.”
  - “For example, for staff participating in the boycott of marking and assessment processes, pay deductions will start from the commencement of the boycotted

activity and continue until the marking activity has been completed and returned.”

Statement 1 refers to resuming full contractual duties (i.e., resuming marking/assessment, and would mean the point at which a member of staff starts marking again). However, at this point, more time will be necessary before marking is completed. Statement 2 indicates that deductions would continue despite resumption of all contractual duties while the marking is being completed. What would be your grounds for withholding pay from employees while they are in the process of marking and therefore fulfilling all their contractual duties?

- What deductions do you intend to make in the case of members of staff paid per script they mark. If they have 50 scripts to mark and do not mark any of them, will they be paid 50% of what they would have been paid as a discretionary payment if they fulfil their other duties?
- Are you intending to make pay deductions while members of staff are on annual leave, bereavement leave, other types of special leave, or on notified trips abroad or in the UK on university business (conference presentations, etc.)?
- If staff are abroad on pre-approved university business, and the university has paid for their expenses, are you accepting partial performance in those cases and are members insured through the university’s travel insurance? Are you advising members of staff who are participating in the boycott to pull out of all their engagements, including presentations and keynotes at high-profile international conferences and meetings, media appearances, etc.? If so, what reasons should staff provide to organisers for pulling out at short notice? If you are accepting partial performance in those circumstances, what are your criteria in deciding when you do or do not accept partial performance?