**LONDON’S GLOBAL UNIVERSITY**

**Joint Consultative Negotiating COMMITTEE: EXTRAORDINARY MEETING: MARKING AND ASSESSMENT BOYCOTT**

**Wednesday 3 May at 4.30pm**

**Microsoft Teams Meeting

M I N U T E S**

**Present:**

Anthony Smith (AS) Vice Provost of Faculty (Chair)

Donna Dalrymple (DD) Chief People Officer

Rebecca Edwards (RE) Director of Employee Relations, Policy and Planning

Lorren Rea (LR) Head of Employment Policy

Polly Turner HR Employee Relations Administrator (note taker)

**UNISON:**

Jo Tapper (JT) Joint Branch Secretary and Joint H&S Officer

Sam Ferman (SF) UNISON Area Organiser

**UNITE:**

David Ladd (DL) Branch Secretary

**UCU:**

Sean Wallis (SW) President

Holly Smith (HS) Co-Vice President

Ilektra- Athanasia Christidi Co-Vice President

Andy Young (AY) UCU Regional Support Officer

**Apologies**

Richard Anthony-Newton Institute of Prion Diseases

Andy Murray Unite

Jacqueline Sheehan Unison

1. **UPdates**

The **UCU** FAQs are in a Google document which can be found [here](https://docs.google.com/document/d/1vt2Lh81udiMaoaxqR51rmH1y-QXDkXEu_BP05WHHUA8/edit?usp=sharing).

The **UCU Regional Support Officer** has forwarded the **Head of Employment Policy’s** email about advice at the national level and difference between formative and summative assessment to the UCU communications team.

**Management** informed that UCL has been feeding into conversations with UCU about the dispute. Negotiations have closed for the 2023/ 2024 round which was brought forward so there is no further news about reopening negotiations. UCL is consulted at various points in negotiations but there has been no further consultation yet about reopening negotiations. UCL management continues to voice that it is supportive of better pay and conditions, but it has not resulted in change to the national negotiating position.

**UCU** noted that UCL is big and influential enough to apply pressure on other universities to reopen negotiations and asks what UCL can do to bring negotiations back on board.

AS said that is at the top of the agenda at a meeting that he is attending the following day (4 May) with the Russell Group, which AS represents UCL on. Management will push to encourage ongoing negotiations because they are keen to see resolutions.

1. **DISCUSSION**

**Management** asked for clarity on how the Marking Assessment Boycott [MAB] has been defined and the distinction between formative and summative assessment.

**UCU** suggested that formative assessment is analogous to coaching and summative assessment is analogous to judging. Every assessment should have a formative element, even if it comes at the end of the course because lessons might feed forward into tips for students’ professional lives.

Anything to do with grading and high stakes assessment is summative and is in scope. Coaching is purely formative and is not in scope. UCU hopes for negotiations to reopen and for the boycott to be reversed. Summative assessment can be reversed if marking happens later; however, if formative assessment relating to learning and improving performance does not happen, that is not reversible. Students are stressed but members are coaching and prepping them.

Where an event is both summative and formative UCU counts it as summative, and it is in scope. Formative assessment is the most important form of assessment. Summative assessment isn’t so important and is a separate function that can be done later.

**Management** noted that there are a lot of postgraduate students who are working on dissertations for the remainder of the calendar academic year. Management asked if those students will be supported in prepping for their dissertations and getting advice, understanding that members would not give an estimated mark for a draft.

**UCU** said members would not give an estimated mark because it is prohibited in the academic manual and is not formative, but members will continue to give feedback on dissertations, e.g. in terms of structure and research.

**UCU** wants to give clear guidance to members who want to support their students. Members are supporting students in the process running up to summative assessment.

**Management** asked if looking at drafts of theses would be considered formative which UCU confirms. UCU says detailed written feedback and meetings to discuss work are considered formative. Different staff (i.e., external examiners) often do the summative assessments, not the supervisors.

**UCU** noted that some assessments are unclear, such as initial teaching education assessed placements in which there is a summative function (pass/ fail), and formative (observation/ feedback). These would require further discussion, but most assessments are clearly formative or summative.

**Management** asked if UCU’s/ UCL’s FAQs can be clearer on the definitions of formative/ summative assessments.

**UCU** suggested that SU officers can get a clear message out regarding tutors’ ongoing support and grading disruption, which Management agrees.

**Management** reminded those present of the last meeting in which the proportionality of UCL’s approach was discussed and Management maintained in the last meeting that 50% was the value placed on the significance and impact of the activity. Management would like to minimise the impact on students and for participating staff not to feel UCL is taking a punitive approach, which is not the intention. Management asked if declarations could be made locally rather than centrally to help departments to mitigate.

**UCU** asked if there would be flexibility over deductions if declarations are made locally.

**Management** clarified that the deductions would be the same but would like to explore how to mitigate the impact on students and the period over which deductions are made and if there is scope to reduce that period.

**UCU** says different employers are taking different approaches to the deductions, with some employers demonstrating more nuance and subtlety that UCL’s long deduction period.

**Management** say they are open to looking at the period of deduction and asked how staff participating in the boycott can be encouraged to disclose to their departments.

**UCU** said some universities are getting around the boycott by saying marking is not necessary for students to graduate, but argue that not marking is a contractual breach. The deductions in this case are unlawful because there is no contractual breach if the work is not needed. If UCL doesn’t accept partial performance they should send everyone home. Deductions are on the basis of a contractual breach. Up until the point at which the marking is not done, there is no contractual breach; however, UCL is intimidating members in taking lawful industrial action. UCU hopes they can get to a tenable position.

UCU said that if a PhD internal examiner is obliged to attend a viva and doesn’t attend, they are in breach of contract on that day. If the viva is rescheduled the examiner is not breaching contract until the new rescheduled viva date. UCL can deduct 50% to 100% or send people home but they cannot deduct for days when people are not breaching contract. UCU questions UCL’s legal advice’. UCU said other Universities expect people to be in breach for ten days and it differs from course to course. UCL is making deductions for ten weeks for summative assessment only, which is a punctuated period of marking. Up until then management doesn’t know if someone is boycotting.

UCU said the only acceptable outcome is a negotiated settlement that sees all summative assessment done by the people who intended to do it.

UCU noted the following points:

1. Members found recent statements by the Provost saying staff are UCL’s ultimate asset encouraging but found the deductions shocking.

2. To the best of UCU’s knowledge, UCL’s deductions are greater than any other university.

3. AS asked UCU what they thought would be reasonable. In answer, reporting centrally is simpler and after fifteen days of strike action, members should be used to it.

UCU said 12 June is the deadline for undergraduate marks to come in, and members will have decided if they will participate in the boycott by 12 June. 15-24 June is the examination period for undergraduates, so if members are participating, they will be taking part in the boycott from 12-23 June.

**Management** assured UCU that UCL’s legal advice is sound. Management would like to come to an agreed position about how they deal with the boycott.

**UCU** said senior UCU employment lawyers say the deductions are not compatible with UK contract law. It is unsurprising that people are not declaring the boycott early, given that they will potentially lose a tenth of their annual salary in doing so.

**Management** said that if there is a way to encourage declarations management can look to minimize deductions.

**The UCU President** says that is not a trade-off he can make. UCL is an outlier by making the threat of 10.4 weeks at 50% or a tenth of members’ annual salary. Colleagues question why UCL is doing this. In effect, UCL is telling staff it doesn’t respect their right to participate in industrial action which is damaging to the institution and departments because of the breakdown in trust. The main way members might report early would be to shorten the timeframe of deductions.

The UCU President does not agree with central reporting because of questions how the data is used. Departments might not know how to deal with the data in terms of the blacklist regulations.

**UCU** said the deductions have created a hostile environment for staff who have had lifelong loyalty to UCL. UCU expressed shock regarding the deductions, which have been made on the basis that it ‘feels right’ and goodwill has been burned.

UCU said deductions must be proportionate to the time spent marking or on summative assessment, but UCL management will deduct a flat rate across the university and the two things are in tension. For some staff marking is a larger proportion of their work and for others it might be one upgrade meeting, so a flat rate is not proportionate. The UCU Co Vice-president (HS) proposed 12 June – 23 June which is an undoubted period for undergraduate marking.

UCU asked if UCL is considering outsourcing marking and questioned how UCL will ensure the quality of the marking. UCU noted that another option is to regress everyone who is progressing and change the algorithm based on past assessments, which would not require advance notice of participation.

**Management** said HoDs do not know if exams will be invigilated or if papers will be processed and alternatives could be put in place for those. Management did not suggest that there will be mitigations in all cases, but if HoDs can know about participation they can put any mitigations they might have in place, and by 12 June not much can be done by way of mitigation.

**UCU** noted that UCL has already outsourced invigilation, and UCU members don’t do significant invigilation and there are external examiners. The crunch point is the undergraduate summative assessments and the dissertations due on 18 May, and students need marks by 12 June so they can graduate. UCU expressed confusion over why a longer lead in time would help to mitigate because they are hard things to mitigate.

**Management** said the feedback from HoDs is that not knowing minimises their ability to mitigate.

**UCU** summarised that Management has asked for declarations by 12 May, and UCU suggested 12 June.

**Management** asked if there can be a fluid approach to declarations so that people can declare once they have decided to participate to enable HoDs to mitigate if they can.

**UCU** would have to go back to members on the above matter. The flat rate is simpler to implement but disincentivises early reporting. A counter proposal would require a branch meeting. Students won’t be happy if their work is not marked, especially if they had lower grades earlier on. Students at Liverpool University who had a substantial end piece of work were not happy when they were given a guesstimate and that approach damaged the university.

UCU advised against increasing the percentage of deductions for a shorter period because trust is burnt and UCL would be seen as giving with one hand and taking with another. If 100% deductions are made UCL would have to send people home, but members continue to fulfil lots of other duties.

**Management** thanked those present for the clarity over formative/ summative assessment.

Management said they will speak to senior leadership and come back to the unions by Friday 5 May. Management confirmed there is nothing to take back to members at present because the meeting has been an exploratory conversation and management will come back with their thoughts and next steps.

Management acknowledged the suggestion of the new date range and will take it back to EOC, noting there is a big difference between the two. Management questioned if two weeks at 50% reflects the impact on students and UMC might question if that is right. Management will come back by Friday 5 May.

**The UCU President** said UCU members are supporting students and going the extra mile. Students are broadly supportive. Even if students were emotionally distressed by the prospect of not getting their marks, it goes back to the lawful basis for deductions. It is unlikely members will want to mark the culmination of the students’ work if they have been hit with a 10% salary deduction. Deductions should be made on the basis of what work has or has not been done, not a student being upset because that would not hold up in court. Workers are in an extreme position and 90% of members voted for ASOS because people are pushed and, in that context, punitive deductions are wrong.

**Management** said the time spent and collective impact is the consideration, not the daily rate of deductions. The action being taken is continuous. The UCU FAQs are clear that it is continuous action, so even on days when they are not marking or assessing members could face deductions. It is not discontinuous action like strike days.

**The UCU President** said the call is continuous, but the participation can be discontinuous and individual participation will be for smaller periods of time. The action is finite and relatively short-lived at critical points. That is the lawful basis of deductions. UCL is open to being accused of being intimidating and unlawful if someone is participating but is not marking in May and receives deductions in May.

1. **ACTIONS**
2. AS to report back on Russell Group meeting
3. UCL to clarify FAQs re the types of support that tutors will give during the boycott
4. Management to approach senior leadership re the length of time of the deductions and communicate the timeframe in which an outcome will be reached, by Friday