

ASOS Guidance City of Glasgow College

1. 'working to rule', where members perform their duties strictly to the letter of their contract i.e. refusing to take on any additional duties or attending voluntary or extra-curricular meetings or events;
2. refusal to take any additional classes which were not on lecturers' timetables prior to 28th November 2022;
3. refusal to take any additional classes which have been added to timetables, or to increase workload, as a result of another lecturer taking voluntary severance;
4. continuing to work 3-hour blocks of classes on a 3-block basis, until the dispute is resolved;
5. not covering classes or modules for absent colleagues which were previously taken by colleagues who had their fixed-term contracts ended in November 2022 or thereafter;
6. no online teaching of classes, including asynchronous classes;
7. not utilising Canvas software or other, similar VLE, except for assessment provisions; and
8. a resulting boycott, involving members withholding students' results.

The EIS Guidance for the National ASOS in pursuit of the national pay dispute covers ASOS actions 1 (working to rule) and 8 (resulting boycott)

1. What is a 'work to rule'?

A "work to rule" means that members will no longer engage in any activity that goes beyond what is expressly stated in their contractual terms and conditions. This includes working beyond your contracted hours and any other additional activity that members may have previously done on a voluntary basis.

2. Refusal to take any additional classes which were not on lecturers' timetables prior to 28th November 2022;

If a class or module has been introduced to your timetable since 28th November as a result of senior management ending a colleague's fixed term contract, introducing 'tea breaks' as part of the timetable, asking you to record 2hour 45 minutes contact time instead of 3 hours, semesterisation plans or redundancies, you are now advised to stop teaching that class.

If you are asked to take a new class or module, or it is introduced to your timetable, as a result of the above, please do not teach this class.

3. Refusal to take any additional classes which have been added to timetables, or to increase workload, as a result of another lecturer taking voluntary severance;

If you have been given a class that was taught by a colleague has been made redundant through voluntary severance then please no longer teach this class. Please advise your line manager/course coordinator on the first day of industrial action.

4. Continuing to work 3-hour blocks of classes on a 3-block basis, until the dispute is resolved;

Do not work to new timetables which have been changed as a result of semesterisation plans. Please advise your line manager/course coordinator on the first day of industrial action.

5. Not covering classes or modules for absent colleagues which were previously taken by colleagues who had their fixed-term contracts ended in November 2022 or thereafter;

If a colleague's fixed term contract ended in November 2022 and their class or module was added to your timetable, please no longer teach this class or module. Please advise your line manager/course coordinator on the first day of industrial action.

6. No online teaching of classes, including asynchronous classes;

If you teach a class online please no longer do so. Please advise your line manager/course coordinator on the first day of industrial action.

7. Not utilising Canvas software or other, similar VLE, except for assessment provisions;

College management have made it clear they consider Canvas material to be the property of the college, but it is up to each lecturer what materials they use for teaching purposes. You should not utilise VLE for teaching purposes.

You can continue to use Canvas for formative and summative assessment submissions, marking and feedback but not for resulting.

8. What is a 'resulting boycott'?

Members are advised:

- This boycott covers all results from any assessed work; with members refusing to share, enter or record student assessment results with: - Any college systems. - Any colleagues. - Any third parties/awarding bodies/external verifiers (such as the SQA).
- The boycott covers any assessed work that would be used for the purposes of recording marks and grades as part of a unit or a course assessment. This boycott does not prevent lecturers from sharing results for work that

provides feedback and support to students (for work that does not contribute towards the assessment of any unit, module or course).

- The resulting boycott covers student results but does not restrict or preclude the setting nor marking of assessment tasks or work to be assessed. This should be made clear to students by individual members. A resulting boycott is aimed at putting pressure on employers not on students – as soon as the dispute is resolved then the marks with-held may be shared/submitted.
- Members are advised to give students general feedback from assessments in the normal format but to not share, enter or record results with college systems or third parties as outlined above.
- If the college requests a member to record or share specific student marks, the member is advised to explain that they are participating in lawful industrial action and will not, therefore, enter nor share any results.
- Members are advised not to record the marks/results on any piece of assessed work, in case the college asks for the assessed work. (Any physical or electronic piece of work may be considered as college “property”, and cannot be withheld if requested).
- This national industrial action covers all unpromoted and the promoted lecturers that have their pay negotiated through the NJNC. In those colleges where senior lecturer pay is not within the scope of NJNC, promoted lecturers are not expected to undermine the industrial action of their lecturer colleagues who are undertaking strike action.
- Members are further advised not to share any marks carried out as part of IV/EV procedures. Any work that members submit for IV/EV purposes should not include student marks.
- The EIS has provided the necessary legal notice to every college employer necessary for you to carry out the industrial action. There is no requirement for you to advise the College in advance of any deadline that you will not be submitting marks. Legally, members have up to the date of the industrial action itself to decide whether they participate in it. It is only after the industrial action has begun that you need respond to your employer, if asked, to state that you are/have taken industrial action. Any request before the industrial action begins should be met with a response that states that EIS has informed you that the legal notice has been given and that you are not required to set out further information about your intentions.

Canvas and Online Boycott FAQ

Q; What should I do if a student has a PLSP that states they could benefit from accessing course materials remotely?

A: Subject lecturers are carrying out industrial action that means that they are not required to provide remote access to learning and teaching materials. It is the duty of the college to make reasonable adjustments for students with disabilities and additional learning needs.

Q: What should I do with my resources on Canvas?

A: You can still use these resources for teaching in class eg by making handouts and other learning resources for students.

Please do not delete or remove any materials from CANVAS or the VLE.

Q: What if students need to access resources for assessment purposes?

A: You can provide printed resources for students as an alternative to material published on Canvas.

Q: What should I do if I have been running classes online and do not have a classroom allocated?

A: You should contact your Curriculum Head to inform them that as part of ASOS you will no longer conduct classes online and will therefore require a classroom allocation.

Q: What should I do if I get complaints from students about the Canvas and online boycott?

A: You could explain the reasons why lecturers are taking this action and encourage the student/s to support us by complaining to the college. There is a template below that may help deal with student complaints.

Q: What do I do if my Curriculum Head instructs me to teach a class online and / or use Canvas?

A: You should explain that as an EIS member you are taking part in lawful industrial action that means you will not use Canvas and conduct online classes. If the Curriculum Head will not accept this explanation, then you should contact the EIS-FELA Office Bearers.

Q: Can the College make salary deductions (i.e. "deem") against me for carrying out this ASOS?

The industrial action mandate obtained by a successful statutory strike ballot of EIS-FELA members gives the EIS the right to call members out on industrial action. That industrial action – whatever form it takes – are breaches of contract – but

the industrial action makes this permissible. Note, however, that under UK law members are protected from dismissal for carrying out industrial action for a period of 12 weeks. No public sector worker in Scotland has been dismissed for undertaking industrial action.

The College may tell you that it does not accept "partial performance", if so, it may tell you that it will not pay you at all unless you fulfil your whole contract, and that you should not come to work.

Alternatively, the College may state that it will accept partial performance but only pay partial salary (i.e. make pay deductions). The College will need to explain to you, in writing, how it intends to make any pay deductions in advance.

Unfortunately, whilst a complex area of law, in general the law favours employers and makes such deductions possible if an employer accepts partial performance, insofar that it is proportionate. The EIS will take robust action in response to any deeming of its members. This will include the declaration of a dispute on the matter locally and will likely lead to a local ballot for strike action in defence of members taking lawful industrial action, if employers continue any course of action in relation to deeming.

It is also likely that we will pivot our local industrial action in this campaign from ASOS to strike action.

Given that "deeming" is a complex area of law, there may be grounds for members – with EIS support – to appeal any disproportionate or unlawful deduction by individual members by making legal claims. This cannot be done collectively, and could lead to employers dealing with hundreds of claims.

Q: Can the EIS take legal action regarding any pay that is deducted? (i.e. deemed)

Yes, if the College makes its pay deductions in an unlawful manner then the EIS will take action. However, in principle, an employer can make deductions in pay for staff carrying out ASOS.

Q. Will the EIS repay any pay that is deducted from my pay for carrying out ASOS?

No trade union can afford to set the precedent of repaying members' lost wages during industrial action. The EIS has stated that members that are disproportionately affected may apply to the EIS Hardship Fund.

Handling student complaints

If you receive complaints from students, then it would be helpful to send the response below:

Your lecturers are taking part in industrial action short of strike at City of Glasgow College. This means that we will still be working to provide teaching and learning but we will not be undertaking certain work activities. This will include not using Canvas or other college VLE, not running online classes and not entering assessment results.

We have been forced to take these steps because our jobs are at risk from the financial cuts and changes to working conditions that College management are imposing. This will mean that we will have less teaching time with students and will be given more classes to teach. It also means that some courses will be cut and some lecturers will lose their jobs.

For students it will mean that you will be expected to do more independent learning without the guided support that you get from teaching time spent with your lecturers. We believe that this will disadvantage many students who need more not less supported teaching and learning that only lecturers can provide. We have already lost most of our Learning Support Lecturers due to redundancy and we believe this will further impact on students with learning support needs.

Please support your lecturers and ask College management to stop the cuts to your teaching time and courses.

You can email:

Complaints at City of Glasgow College

<https://www.cityofglasgowcollege.ac.uk/complaint-form>

Paul Little, Principal of City of Glasgow College

Paul.little@cityofglasgowcollege.ac.uk

The guidance below relates to the provision of materials for students with additional learning support needs.

Provision of Learning and Teaching Materials for Students with Learning Support Needs

It is the legal duty of the college to provide reasonable adjustments for students with additional support needs – **not the legal duty of subject lecturers.**

Subject lecturers are required check student PLSPs for reasonable adjustments in terms of AAA and alternative recording of learning and teaching activity. However, there are legitimate reasons why recordings cannot be made and alternatives to recordings can be provided.

For guidance, the relevant sections of the Learning Support and Recordings policies are given below. (Both are available on MyConnect.)

Learning Support Procedure AAA (2021)

2. Scope

2.1. Under the Equality Act 2010 the college has a duty to make reasonable adjustments for disabled students with an additional support need (ASN).

2.2 The duty aims to make sure that, as far as is reasonable a disabled student has the same access to, and participation in, learning and teaching as a non disabled students.

Audio or Audio / Video Recording of a Learning and Teaching Activity as a Reasonable Adjustment Procedure (2021)

1.5 Audio recorded format to support on-campus learning

1.7 It should be noted that the possibility of a person's voice being captured during on campus learning audio ... is fully notified to all of the College's data subjects in the privacy notices for staff and students posted on the college website.

3. Scope

3.1 This procedure applies to all students with a Personal Learning Support Plan (PLSP) which, based upon evidence and needs, recommends the following as a reasonable adjustment:

The use of recording equipment to aid the student during on-campus learning

3.2 Audio recording equipment includes a range of hardware (including laptops, tablets, smart phones, digital recorders and smart pens) and software applications (including audio note-taking and speech to text applications)

3.3 Laptops, desktop PCs, tablets and smart phones can be used to record audio, video and transcripts of learning and teaching activity.

4. Responsibility

Subject lecturers

4.3 Subject lecturers are responsible for:

- Checking the Learning Support Advice section of their respective student's profiles on Enquirer during pre-entry or no later than two weeks from course commencement, and progressing the appropriate support needs. Interventions detailed therein or subsequently responding to requests from Learning Support thereafter;
- Meeting with the Curriculum Head and Learning Support staff to discuss alternative arrangements at least one week before the support intervention is due to commence.

5.4 Where the recording of learning and teaching activity is recommended as a support intervention (reasonable adjustment) this will commence on the date specified (usually three weeks form date of assessment need)

5.4.5. Subject lecturers will ensure that the agreed alternatives are put in place by the agreed commencement date to ensure that the student is not disadvantaged.

5.5 Where approval of recording activity is agreed, the subject lecturer will control when to start, pause and stop the recording made by the student

5.7 In giving agreements to students to record learning and teaching activity, students will be asked to observe and agree specific requirements and will be required to sign an agreement form prior to the equipment being provided to the student.

5.8 However this procedure is not intended to exclude lecturers from allowing any student to make an audio / video recording of learning and teaching activity at the discretion of the lecturer.

6 – legitimate reasons why a recording would not be permitted

- Where personal, sensitive or confidential information is being discussed which cannot be anonymised
- Any activities in which children or vulnerable adults are involved such as school placements, or those involving supported learning students, unless the lecturer deems it appropriate to do so

7. Alternatives to recording

- A full transcript of the lecture (not just copies of the presentation itself) in an accessible, electronic format (enabling students to use in-text voice software)
- Lecturers dictating lecture notes
- An ESW recording and providing digital notes