

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Advice to EIS FELA members and EIS FELA representatives at Forth Valley College on ASOS: Marking Boycott

Action Short of Strike Action (ASOS) is a form of industrial action and your statutory ballot gave a mandate for the following ASOS action in an escalatory manner:

1. 'Working to rule', involving members doing no more than the minimum required by their contract;
2. refusal to take an accurate student register, involving members refusing to enter or accurately record student absence in the employer's registration system;
3. a marking boycott, involving members refusing to mark students' ongoing work;
4. not covering for absent colleagues, including not rescheduling lectures or classes cancelled due to colleagues' absence.

Action Short of Strike Action begun on 10th November 2020 with Action 1 above (Working to rule). Until further notice, members are advised to ensure that they continue to abide by working to rule in the context of action short of a strike. The escalation to Action 2 above (refusal to take an accurate register) was cancelled at the request of the FVC Branch.

Action Short of Strike Action will be escalated to Action 3 (a marking boycott) on 10th December 2020. This will be in addition to Action 1 (working to rule). Actions 1 and 3 should thereafter continue until further notice.

What is a 'marking boycott'?

As set out in the ballot paper, members are advised to refuse to mark students' ongoing work.

Members are advised:

- a) This boycott covers all student work - including both formative and summative assessments, for both internal and external purposes.
- b) The boycott covers online marking.
- c) This is not an assessment boycott and members are advised to conduct/set all assessments as normal.
- d) Members are advised to give students feedback in the normal format, either verbally or in written form that is unrelated to non-marked work.

- e) If the college requests a member to mark specific student work, the member is advised to explain that s/he is participating in EIS industrial action and will not, therefore, mark the work.
- f) If the college requests a member to hand over any unmarked work or assessments, the member cannot refuse to do so and must comply with this request.

As this action proceeds, there may be a range of practical questions which arise which will vary from dept to dept dependant on local arrangements. We would urge you to discuss any issues arising with your local Branch Secretary - who may seek further advice from EIS HQ

FAQs

1. Do I need to tell the College that I will not be marking in advance of 10th December?

No, the statutory notice given by the EIS to the college at the start of the industrial action short of strike action is the only notice required.

2. If the college asks me on the 10th of December (or afterwards) if I am not marking, how should I respond?

You should state that you are carrying out the industrial action that the EIS has lawfully called.

3. How will this impact students?

The EIS-FELA Branch has made it clear to the Students Union that the College's actions will have more of an impact on students' learning in the long term than this ASOS will have.

4. Will my pay be deducted (i.e. 'deemed') for not marking?

The College issued an e-focus, outlining that it will make 100% deduction for members not marking. We have sought clarification from the College if this means that members do not need to attend/carry out any work if such a deduction is made.

5. Will the College tell me it makes deductions to my pay (i.e. 'deemed')?

The College will need to explain to you how it made any pay deductions.

6. Can the EIS take legal action regarding any pay that is deducted?

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

7. 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. Furthermore, we are setting up a national voluntary levy for EIS FELA members to contribute towards the ASOS at Forth Valley College.

8. For how long should I not mark students' work?

You should proceed with stage one 'work to rule' and stage three 'marking boycott' until further notice i.e. if a resolution is found or 29th January 2021, whichever is sooner.

9. What if my manager instructs me to mark students' work?

This industrial action lawfully allows you to breach your employment contract by not marking students' work. If the College issues a written instruction for you to do so, then do not lay yourself open to disciplinary action. Comply under duress and contact a branch official or your Area Officer (Sarah Collins (SCollins@eis.org.uk)) for advice.