

External Speaker & Freedom of Speech Policy

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1) Introduction

Freedom of speech, human rights and academic freedoms are rightly regarded as important foundations of a modern democratic society. These concepts are familiar to Plymouth Marjon University and its staff and students. Providing an environment where academic freedom can thrive is an essential part of our mission and we seek to encourage wide ranging debate within our teaching and research, that is not afraid to address controversial issues. Part of the process of encouraging vibrant, thought provoking and challenging debate on controversial issues involves the presence of External Speakers on university or students' union premises. Although most speakers are uncontroversial, some may express contentious or even inflammatory or offensive views or their presence on campus may be divisive. Whilst the law protects freedom of speech and academic freedom (see section 3) the law also places limits on those freedoms and breaching the lawful rights of others (for example by using threatening, abusive or insulting words or behaviour, particularly with a view to

inciting hatred or drawing others into terrorism) is unlawful¹. The following External Speaker and Events Policy, Code of Practice and Process and Code of Conduct for External Speakers have been developed and will be regularly reviewed to ensure that they effectively secure the rights and freedoms of our staff, students and visitors in the context of the University's legal obligations rather than as an attempt to curtail the healthy exchange of ideas that external speakers provide.

2) External Speaker and Events, definition:

For the purposes of this document and of any subsequent policy the term 'External Speaker' (also termed Visiting Speaker in some legislative documents) applies to any invited guest of Plymouth Marjon University who intends to present ideas and/or work (including creative practice and product, whether live, digital or pre-recorded) either on campus or at a University-hosted or co-hosted event off campus.

The Event is the forum within which the External Speaker will present their ideas and/or work. The policy also covers all events hosted by the Marjon Student Union and events hosted by client organisations that take place on our premises.

3) Responsibilities within partner and collaborative institutions in UK and in foreign countries

The University is obliged to ensure that its external speaker processes should also consider what oversight is in place for events taking place in institutions or establishments in foreign countries that are formally linked to the University's main UK business. Whilst the legal framework will differ for events held overseas, they will nonetheless pose similar

¹ *N.B There is no right not to be offended: the expression of views which some people may find objectionable or offensive is not prohibited generally by law.*

reputational risks should views outside the law be propagated. Some UK legislation, notably anti-terrorism legislation, can apply to activities outside the UK. This is to say that whilst it is inevitable that activities taking place within partner and collaborative institutions (internationally as well as within the UK) will be more difficult to monitor than those on our main Plymouth campus, the University has an obligation in law to take necessary steps to seek information and, where appropriate, to approve or refuse permission, based on that knowledge. In addition to the law, employees of the University are charged with protecting the institution's reputation and of taking all necessary steps in pursuance of this.

4) Legal Background and Policy Context

Plymouth Marjon University has the freedom to determine its own external speaker processes, but it is axiomatic that this freedom exists within rather than beyond the law. Adherence to the law is not optional and applies to all UK universities. In the vast majority of cases applying the laws in relation to decisions regarding an external speaker event will be straightforward. However, in some cases, most likely those involving controversial speakers or controversial subject matter, these judgments need to be exercised with particular care and attention.

Freedom of speech within higher education institutions is closely associated with the academic freedom that they enjoy. Section 43(1) of the Education (No 2) Act 1986² imposes an express duty on institutions in England and Wales, in relation to staff, students and External (visiting) Speakers:

² <https://www.legislation.gov.uk/ukpga/1986/61/section/43>

'Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.'

Section 43(2) of the Education (No 2) Act 1986 also indicates that the use of University premises should not be denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body. For the purposes of the Act, the University's duty extends to students' union and other utilised premises, even if the University does not own them.

The legal basis for **academic freedom** is set out in the Education Reform Act 1988 which states that UK academics shall have:

"Freedom within the law to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs".

These statements provide an additional focus on the teaching activities of staff and the freedom of institutions and their staff to determine admission criteria and the content of courses.

Beyond the freedom of speech provisions, it is worth noting that the legal framework does not *ipso facto* extend academic freedom to the activities of visiting speakers.

Higher Education (Freedom of Speech) Act 2023

On 11 May 2023 the House of Lords as the Upper House of Parliament approved the Bill and the Bill progressed to receive Royal Assent. These statutory duties make it clear that the protection for freedom of speech and academic freedom is to be within the law and most students' unions, for the first time, will also have a direct statutory duty to secure freedom of speech. Consistent with the usual external speaker scrutiny process, attention will be required to determine what other laws might limit someone's right to freedom of speech or their academic freedom in any specific context e.g. national security, the prevention of disorder or crime, discrimination etc. Legal advice should be sought where necessary and it is anticipated that a code of practice will be issued.

Marjon Students' Union has adopted the University's procedures in relation to events organised by its societies where external speakers will be participating.

5) Ensuring Compliance

The University is under a duty to take such steps as are reasonably practicable (including, where appropriate, the initiation of disciplinary measures) to secure that the requirements of this Policy and Code of Practice are complied with.

6) Code of Practice & Process

The Education Act 1986, Section 43(1) requires that UK universities issue and keep updated a code of practice setting out the process to be followed by staff members and students in connection with the organisation of meetings and activities, and the conduct required of participants in these meetings.

The External Speaker process at Plymouth Marjon University has three stages which are detailed in the next three sections.

The stages are:

Stage 1: Completion of speaker or event form

Stage 2: Review of speaker or event request – identification and mitigation of possible risks

Stage 3: Communication of an external speaker/event decision

Stages 1 and 3 will be brief and proportionate for straightforward requests. Stage 2 will only take place if risks are identified within a specific request.

At each stage it will be essential that the University keeps adequate records of decisions made in response to invitations to External Speakers or approaches from External Speakers. This record keeping should be proportionate to the degree of perceived risk within the proposed event. Audits of records will be made to ensure compliance with the Code of Practice & Process. There will be two main sources of records that will inform these audits, the School-based records of External Speakers agreed by Stage 1 request submission and maintained with records of payment, records kept by the Marjon Student Union. Records of Stage 1, External Speaker requested by Principal organisers from Central Departments will be maintained by the Event Organiser. Records of Stage 2 deliberations will be maintained by the SPOC.

Stage 1: Submission of Speaker or Event form

Anyone (staff or student) organising an event that involves an external speaker or speakers to be hosted by Plymouth Marjon University (on campus or elsewhere including Students'

Union and Halls of Residence) or external client-hosted events on campus must ensure that Plymouth Marjon University's External Speaker Policy and Code of Conduct are followed.

An event includes any gathering that involves an external speaker addressing a group, including in a teaching, learning or research setting (class, conference, seminar or online) or in the context of extracurricular activity. The person organising the event will be the 'Principal Organiser³' for the Event. They must undertake a first assessment of the proposed external speaker (as set out below) and, if there are any concerns, escalate the decision about whether to invite that speaker to Stage 2 consideration.

If there are no concerns identified then the Principal Organiser should proceed to Stage 3 (Communication of an external speaker/event decision) and must ensure that all speakers are made aware of, and given a copy of, the Code of Conduct for External Speakers.

The Principal Organiser has responsibility for identifying any concerns using their professional judgement, but can expect Senior Staff (for example PVC Academic/Director of School) to advise accordingly.

The following, summarised on the External Speaker Booking Form Stage 1 (see appendix A) should be taken into account during judgements made within Stage 1 of this process:

³ This may be a Module Tutor for External Speakers who are contributing to taught provision, an MSU officer for speakers at Students' Union events or any academic or professional member of staff inviting an External Speaker onto University premises or receiving an expression of interest from an External Speaker wishing to use University premises.

Question 1: Has the speaker previously been prevented from speaking at Plymouth Marjon University or another University or similar establishment or previously expressed views that may be in breach of the External Speaker Code of Conduct?

Question 2: Does the title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the External Speaker Code of Conduct?

Question 3: Is the proposed speaker/theme likely to attract attendance from individuals / groups that have previously been known to express views that may be in breach of the External Speaker Code of Conduct?

If the answer to these 3 questions is NO:

The Principal Organiser can confirm the External Speaker and book them to speak in the normal way.

If the answer is unclear:

The Principal Organiser should seek guidance from Senior Staff whose responsibility it will be to further review the speaker against the questions above.

If the answer to any of the questions is YES:

It is the responsibility of the Principal Organiser to submit a referral to the SPOC (Registrar -Stage 2).

It is important to allow appropriate time to consider whether external speaker events are likely to proceed within the framework of the law.

When External Speakers are providing input into validated provision processing of the request and maintenance of records should take place within their School. Schools must be able to provide suitable records for audit purposes on an annual basis.

If External Speakers are providing input that does not form part of the university's validated provision or Stage 2 consideration is deemed necessary then records should be forwarded to the SPOC.

Stage 2: Review of External Speaker request

If the Principal Organiser has concerns, having considered the External Speaker request under Stage 1 of this process and sought advice from a senior member of staff, then Stage 2 should be followed and the application referred to the SPOC (Registrar). This is to allow further consideration of the application within the context of this Policy and Code of Practice. The SPOC will nominate a reviewer who will be a member of the University's Executive Leadership Team to consider the application further.

Referral requests should normally be dealt with within 5 working days. Where this may pose a problem, the reviewer should notify the Principal Organiser as soon as possible and should give an indication of the time required for a decision to be made.

The referral should be made on the External Speaker Booking Form Stage 2 (Appendix B). The Stage 1 Form should accompany the referral submission to enable the reviewer to be fully informed about the External Speaker.

The appointed reviewer may need to seek input on the External Speaker request from internal and external sources. Depending on the circumstances of a specific request, input may be appropriate from:

- The Principal Organiser of the event
- University Head of Estates & Campus Development
- VC/PVC Academic/Director of School
- Local police
- President of Students' Union
- University Chaplain
- The proposed speaker (to get a clearer idea of what they intend to say or present; this may include obtaining an advance copy of their speech, presentation or performance)
- Information already held by the University about the speaker or event organisers
- Higher education institutions known to have hosted or refused the speaker previously
- Individuals with relevant legal expertise.

The SPOC for Prevent will ensure that, where appropriate, referred applications for External Speakers are reported via the University's annual Prevent data return to the Office for Students (OFS).

Stage 3: Communication of an external speaker/event decision

Following consideration at Stage 1 and, if necessary, Stage 2 above, the Principal Organiser should notify the External Speaker of the outcome within 2 working days of the decision being made.

If the request is approved with no conditions, the Principal Organiser will need to provide a copy of the Code of Conduct for External Speakers.

If the request is approved with conditions, the Principal Organiser will need to discuss the conditions with the External Speaker before making appropriate arrangements and will need to provide a copy of the Code of Conduct for External Speakers to the individual speaker(s) when discussing the conditions.

If the request is refused, the Principal Organiser will need to discuss the decision and justification of that decision with the External Speaker and inform them about the appeal process.

Appeal against a request refusal

In the case of an appeal, all information regarding the Speaker request and subsequent decision/justification should be provided to the SPOC (Registrar) where the decision will be reviewed by two members of the Executive Leadership Team not previously involved in the request.

The case should be reviewed and the decision communicated to the Principal Organiser within 5 working days of receipt.

If the decision is to approve the request with or without conditions applied at this stage, the Principal Organiser can proceed as stated in stage 3 above.

If the decision to refuse the request is upheld, there is no further appeal.

Complaints procedure

Where an individual (staff, student or External Speaker or Visitor) considers there to have been a breach of this Policy, they may make a formal complaint in writing to:

The Academic Standards Officer, Plymouth Marjon University

A complaint may include:

- Being prevented from arranging, speaking at or attending an event of the type envisaged by this policy.
- Alleged infringements of freedom of speech (please refer to the legal framework referenced in this code of Practice).
- Allegations that an external speaker at an event of the type envisaged by this policy breached or is likely to breach the external speaker code of conduct.

Appendix A

Stage 1 External Speaker Booking Form

The External Speaker Booking Form (which follows the format below) can be found at the following link:-

<https://forms.gle/Lc6Ba6UUuZXGqqiX8>

Email address

Date of completion

**External Speaker's
Name**

**Principal Organiser
Name and Contact
Details**

Date of Event

**Venue (room number or
state if online)**

Title of Event

**Brief Details of Subject and Content (it is expected/anticipated that the
speaker will stick to the topic submitted)**

Has the speaker previously been prevented from speaking at Plymouth Marjon University or another University or similar establishment or previously expressed views that may be in breach of the External Speaker Code of Conduct?

Does the title or theme of the event present a potential risk that views/ opinions expressed by speakers may be in breach of the External Speaker Code of Conduct?

Is the proposed speaker/ theme likely to attract attendance from individuals/ groups that have previously been known to express views that may be in breach of the External Speaker Code of Conduct?

End of Form

The Principal Organiser can confirm the external speaker and 'book' them to speak at their event or activity (See Stage 3 of the Code of Practice and Process). **It is required that the external speaker be sent a copy of the External Speaker Code of Conduct.** The Principal organiser is required to enter the event into the University's Antler Calendar and email the copy of the Booking Form to prevent@marjon.ac.uk

However, if the answer to any of the questions is unclear:

The Principal Organiser must seek guidance from their line manager or head of function, whose responsibility it will be to further review the speaker(s) against the questions above.

Ultimately, if the answer to **any of the questions** is **YES:**

It is the responsibility of the Principal organiser to submit a referral to the SPOC (Registrar) (See Stage 2 of the Code of Practice and Process).

This form should be retained at School or Department level to enable auditing of the implementation of this process. It is the responsibility of the Principal Organiser to ensure that appropriate records are kept of all stages of the process.

Appendix B – (format of Form 2 below):

[Stage 2 Referral: External Speaker Booking Form \(google.com\)](#)

Prevent External Speaker Process

Stage 2 : Referral Form

Procedure

Principal Organiser to complete & return this form to the SPOC (Registrar) with a copy of the Stage 1 External Speaker Booking Form

SPOC to allocate a reviewer and receive feedback within 5 working days

N.B. Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral for disciplinary action

ymccann@marjon.ac.uk

Section 1 - Request approved

Date of Event

Date

Principal Organiser

Your answer

Speaker's name & Contact details

Your answer

Title of Event

Your answer

Venue

Your answer

Format of Event

Talk

Lecture

Debate

Q&A

Online

Reason for Referral

Your answer

Reviewer's Comments

Your answer

Request approved

Yes

No

If YES Reviewer to sign and date below and return this request to the Principal Organiser reminding them of the Code of Practice for External Speakers which should now be provided to the External Speaker

If Request is NOT approved please continue to Section 2 below

Signature of Reviewer

Your answer

Date

Date

If Request approved WITH CONDITIONS Reviewer to go to Section 3 below



Section 2 - Request Refused

If the Referral Request is refused in Section 1 above, please sign the authorisation below (print name) and return this request to the Principal Organiser with a brief summary of the reason for refusal

Reason for Refusal

Signature of Reviewer

Date

Ensure that the SPOC (Registrar) has been notified of the refusal by email copy

Ensure that the External Speaker has been informed about the means of appealing the decision

Section 3 - Request approved with conditions

Please explain what conditions are required and how these should be put into place

Signature of Reviewer

Date

Ensure that the SPOC (Registrar) has been notified of the approval with conditions by email

Ensure that the Principal Organiser provides assurance that the conditions will be met and remind them of the Code of Practice for External Speakers which should now be provided to the External Speaker and if the event is to go ahead it should be entered into the University's Antler Calendar

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