

EXTERNAL SPEAKERS AND EVENTS POLICY

Guidance and legal obligations relating to external speakers at Plymouth University

Introduction

Plymouth University has a long and rich history as an academic institution which has regularly welcomed visiting speakers from around the world to its campuses. Such speakers have brought and continue to bring great diversity of experience, insight and opinion, enriching our events and activities and sparking discussion and debate among our students, staff and visitors alike.

The purpose of this policy is to set in place a governing framework for visiting speakers to ensure that this tradition, where debate, challenge and dissent are not only permitted but expected, can be preserved and promoted. Within this context, this policy has these specific aims:

- To provide an environment where freedom of speech and academic freedom are promoted, balanced with the need to ensure that our community is free from harm and that incitement to hatred and/or violence is never acceptable
- To provide a supportive, inclusive and safe space for staff, students and the wider community
- To provide clearly defined and effective procedures to ensure that the University's responsibilities under the law are maintained, including laws governing equality, diversity and inclusion, hate speech and hate crime, and terrorism.
- To ensure that sound judgements informed by evidence about proposed external speakers and events are reached which appropriately take into account any risks involved
- To work in partnership with the University of Plymouth Student Union (UPSU) to ensure that decisions taken regarding external speakers for events organised by students using University premises are consistent both with this policy and the Union's own policies and procedures.

This policy should be read alongside policies governing health and safety, the use of the University name and brand, and equality, diversity and inclusion, as well as the University's mission and supporting strategies.

Policy statement

As an institution of higher education, providing an environment where intellectual and scholarly freedom can thrive is essential to our core mission; to our teaching, to our research and to the experience we offer our students. As a matter of law, all Universities in England and Wales, have a statutory duty to secure both freedom of speech (Education (No 2) Act 1986) and academic freedom (Education Reform Act 1988) on their campuses, enabling new ideas to be advanced and encouraging open and free debate.

Freedom of speech is fundamental to a University. The Senate of the University therefore expects all employees and students of the University to tolerate and protect the expression of opinions within the law regardless of their personal feelings regarding those opinions.

The definition of academic freedom is set out in the Education Reform Act 1988 and 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'. The University's commitment to protect the principle of academic freedom is set out in its Instruments of Governance.

External speakers and events play an important role at Plymouth University, not least as part of the regular academic experience, allowing students and staff to be exposed to a range of different ideas, beliefs and opinions. They also play a significant part in our public engagement programme of activity and within our students' own events and activities organised through and with the support of the Student Union.

Although most speakers are uncontroversial, some will express contentious, even inflammatory or offensive, views. In some cases, their presence on campus may be divisive. Whilst the law promotes and protects freedoms of speech and debate, the law also places reasonable limits on those freedoms. Crucially the protection of freedom of speech does not extend to allow a speaker to break the law or breach the lawful rights of others (e.g. using threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred or draw others into terrorism). *It should be noted that these provisions do not create a broad right not to be offended; the expression of views which some people may find objectionable or offensive is not prohibited generally by law.* Therefore, this External Speakers and Events Policy exists in order to protect the rights and freedoms of our students, staff and visitors, and to ensure that Plymouth University balances this with its obligation to secure freedom of speech and academic freedom.

The policy covers all events hosted by the University and events hosted by external organisations that take place on University premises. Also covered by this policy are events taking place off campus, where the University is hosting (or co-hosting) an event at venues in the UK, or at institutions or establishments overseas. Whilst the legal framework will differ in other countries, all activities led or hosted/co-hosted by Plymouth University, irrespective of where in the world they take place, should uphold this policy unless to do so would breach that country's law. Any breach of the policy may pose significant risk of reputational damage even if, within a particular country, the law is not broken.

UPSU has its own External Speakers Policy and accompanying processes, which include provision for University oversight in line with the principles and processes articulated in the University's policy.

Universities have duties under the *Equality Act 2010* as education providers, employers and service providers; thus they must not unlawfully discriminate against students, employees and other individuals to whom services are provided.

Enforced segregation is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the

public or employees of the university or the Student Union. Enforced segregation is therefore not permissible for any event covered by the External Speaker Policy.

In order to ensure the effective management of the Policy across the University, an External Speaker Booking Process and Guidance for External Speakers are in place. This policy and associated process must be applied in all cases where a platform is being given to any external speaker or group of speakers, this might include, but is not limited to: public lectures, research seminars, student society events, meetings and debates and academic conferences.

Organisers of events involving external speakers should note that

- a) Any unanticipated costs incurred as a result of the event, including those related to security, health and safety are the responsibility of the organiser(s).
- b) Failure to adhere to this policy will result in the organisers being referred for disciplinary action as set out in the University's Disciplinary Policy and Procedures (<https://intranet.plymouth.ac.uk/perdev/Disciplinary/>) for staff, and the Student Code of Conduct and Disciplinary Procedure (<https://www.plymouth.ac.uk/uploads/production/document/path/1/1555/Student Code of Conduct and Disciplinary Procedure 2015-16.pdf>) as appropriate.

Organising an event

Anyone organising an event that involves an external speaker or speakers to be hosted by Plymouth University (on campus or elsewhere) must ensure that the University's External Speakers and Events Policy is 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 in the context of co-curricular or extra-curricular activity.

Where the event is organised by a student, the student *must* follow the policy and procedures governing external speakers and events within UPSU in the first instance. Students cannot independently book University space for the purpose of an event or make use of the University's name for an event.

The person leading the organisation of the event (the *principal organiser*) must:

- Undertake a risk 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 as set out in the booking process
- Ensure that this risk assessment and appropriate escalation take place in a timely fashion. For events involving a single speaker, this will normally be a minimum of 15 working days before the date of the event. For larger events involving multiple speakers and/or taking place over multiple days (for example an academic conference or major exhibition), this will normally be initiated 6 months before the anticipated commencement date for the event with consideration given to risks associated with the event theme(s), with risk assessments for keynote speakers/panels normally a minimum of two months before the event. Risk assessments for other speakers/panels will follow the normal 15 working day process.
- Ensure that all speakers are provided with the Guidance for External Speakers

Where the event is hosted by an external organisation using University premises, the individual within the University who is the main point of contact for that event will be considered to be the principal organiser. In this case, the principal organiser should notify the Events Team, Security and the appropriate line manager/head of service of the event, providing relevant details of the external organisation and the planned event.

External Speaker Booking Process and Risk Assessment

Anyone organising an event as described above must follow the External Speaker Booking Process.

The majority of external speaker requests will be straightforward and can be handled entirely at a local level (see below). However, some may be complex and may require discussion and/or referral for further consideration. The referral process will only apply in a small minority of circumstances – to events or speakers deemed to be high risk.

Prior to the confirmation of any external speaker, the principal organiser will be responsible for assessing the speaker/event against the following set of questions:

- Question 1: Will the event be open to the general public?
- Question 2: Will the external speaker be primarily speaking in a language other than English?
- Question 3: Will the event be broadcast, streamed or offered for download by the organisers?
- Question 4: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the Guidance for External Speakers?
- Question 5: Has the speaker previously been prevented from speaking at Plymouth or another university or similar establishment, or previously been known to express views that may be in breach of the Guidance for External Speakers?
- Question 6: Is the subject matter or the speaker likely to attract protest, negative media coverage or otherwise be a potential threat to the reputation of the University?
- Question 7: Is there any possibility of a situation arising in which people might experience harassment, intimidation, verbal abuse or violence, or that those in attendance might be incited to engage in harassment, intimidation, verbal abuse or violence directed at others, as defined within law and within the University's policies governing bullying and harassment, either within the UK or abroad?

If the answer to all these questions is NO – this is deemed to be LOW RISK. The event organiser can confirm the external speaker and 'book' them to speak at their event or activity in the normal way. (It is required that the external speaker be sent a copy of the Guidance for External Speakers). The outcome of the risk assessment should be recorded as part of the normal processes in place to organise or manage

the event (for example, visiting speaker's passport check and payment forms, module or programme action plans, events planning request proforma). No further action is required.

If the answer to any of the questions is unclear, or the answer to any of Questions 1, 2 or 3 is YES – this is deemed to be MEDIUM RISK. The event organiser must seek guidance from the appropriate line manager or head of service, whose responsibility it will be to further review the speaker(s) against the questions above. Depending upon the potential risks involved, one or more of the following may occur to support managing any identified potential risks:

- Where the event is open to the general public, advice should be sought from the University's Events Team and Security. This is to ensure that appropriate logical support, including considerations for health, safety and security, and any reputational risks, are taken into consideration in the planning of the event.
- Where the primary language of delivery is in a language other than English, the principal organiser should ensure that a University representative who is fluent in the language in question is present during the event.
- Where the event is to be broadcast, streamed or downloadable, advice should be sought from the Media and Communications Team. This is to ensure that any reputational risks, and those associated with intellectual property, are taken into consideration in the planning of the event.

Where all questions, underpinned by the appropriate advice, are appropriately resolved to the satisfaction of the line manager or head of service, then no further action is required, and the event may progress. Should the response to one or more questions remain unresolved, then the request should be escalated to the Deputy Vice Chancellor.

If the answer to one or more of Questions 4 through 7 is YES – this is deemed to be HIGH RISK.

The principal organiser should in the first instance discuss the event with the appropriate line manager or head of service. It is the responsibility of the principal organiser to submit a referral, counter-signed by the appropriate line manager or head of service, to the Deputy Vice Chancellor for decision. The Deputy Vice Chancellor may:

- Approve the request
- Return the request to the principal organiser seeking further information
- Approve the request with conditions, including (but not limited to):
 - Restrictions on hospitality provision, including the consumption of alcohol
 - The appointment of an independent Chair to oversee the event
 - Specified arrangements governing health, safety and security for the event
- Decline the request

Where an independent Chair is appointed (normally where the event takes the form of a meeting, debate, lecture, conference or similar event), the Chair will as far as possible be responsible for ensuring that both the audience and the speaker(s) act in

accordance with the law, with the provisions of this policy, and with the Guidance for External Speakers. The audience and speaker(s) will be under a duty to comply with the Chair's rulings relating to the conduct of the event, to the agreed arrangements for the event (with, for example, Security or the Events Team), and to the policies of the University. The Chair has the discretion to request the removal of individuals acting in a disorderly manner or persistently disrupting the event. The Chair may suspend or close the event if in his/her opinion it can no longer be conducted in an orderly manner or the safety and security of those in attendance is under threat.

The declining of a request or the withdrawal of permission will only occur in exceptional circumstances. These circumstances include (but are not restricted to):

- Failure to submit the request within the normal time frame
- A significant risk of public disorder such that the health and safety of staff, students and visitors is put at risk
- A significant risk of substantial damage to University property
- A serious concern that the law will be broken by those speaking at or attending the event
- A significant risk of major disruption to the operation of the University's activities
- A significant risk that the costs associated with making the event safe (e.g. security provision, facilities management) were beyond the budget of those organising the event, such that the University was likely to face a significant financial loss
- Views expressed or likely to be expressed constitute extremist views that risk drawing people into terrorism

The Deputy Vice Chancellor will notify the Principal Organiser in writing of a decision as soon as possible.

Advice and Support

Advice and support regarding the risk assessment and referral process is available from the following individuals

- Director of Student Services
- Events and Graduation Manager
- Head of Media and Communications
- Head of Resourcing, Diversity and Inclusion
- Head of Student Appeals, Complaints and Conduct

Where after the risk assessment has been completed, there are concerns that one or more of the proposed speakers for the event might express views that are prohibited by law, including those that can be constituted as hate speech or extremist views that risk drawing people into terrorism, then advice should be sought from the Head of Student Appeals, Complaints and Conduct as the designated "single point of contact" for the Prevent Duty.

Appendix A provides an overview of the referral submission process and proforma.

UPSU Booking Requests

Students wishing to organise events involving external speakers should follow the UPSU External Speakers Policy. Once an event has been approved by the Student Union, a booking request will be submitted to the University's Timetabling Team, who will forward the request to the Head of Student Appeals, Complaints and Conduct for approval. Once approval is granted, the Timetabling Team will book the event. Should the Head of Student Appeals, Complaints and Conduct have concerns regarding the event, s/he will do one or more of the following:

- Refer the proposal back to the Student Union for further information
- Seek the advice of the Director of Student Services, the Director of External Relations and/or the PVC Teaching and Learning
- Escalate the request to the Deputy Vice Chancellor for decision

Appendix B provides an overview of the process used to consider requests from the Student Union to book University premises as aligned to the UPSU External Speakers Policy.

Complaints Procedure

In the event that an individual (staff, student or external visitor) considers there to have been a breach of this Policy, they have the right to make a formal complaint, in writing, to the Vice Chancellor.

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 or academic freedom; and
- Allegations that an external speaker at an event of the type envisaged by this policy breached or is likely to breach the Guidance for External Speakers.

The complaint should include the original referral documentation, copies of any relevant correspondence regarding the event and any other evidence that the complainant wishes to have considered. The Vice Chancellor may request independent evidence from other parties before making a decision. The Vice Chancellor will notify the complainant of the outcome in writing as soon as possible.

Guidance for External Speakers

This guidance exists to ensure that all speakers taking part in a Plymouth University hosted or run event or activity, on campus or elsewhere, act in accordance with the University's External Speaker and Events Policy.

It is the responsibility of the event or activity organiser (the individual from within Plymouth University e.g. member of staff or student, named in the External Speaker submission as the principal organiser) to ensure that:

- this Guidance is communicated to all external speakers (once approved and confirmed via the External Speaker Booking Process)
- all reasonable steps are taken to ensure that the requirements within it are upheld during the running of the event or activity.

Freedom of speech

Freedom of speech is fundamental to a University. The Education Act (No 2) 1986 requires the university to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. The Senate of the University therefore requires all employees and students of the University to tolerate and protect the expression of opinions within the law whether or not these opinions are repugnant to them; this obligation is set out in the University's Freedom of Speech: Code of Conduct.

However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms in order to maintain public order and safety and to ensure that there is no breach of the law. The University recognises that in this context a conflict exists between the laws which promote freedom of speech and those which restrict it and consequently acknowledges that it has a legal responsibility to create a balance between minimising the possibility that extremism or unlawful conduct will arise on campus and ensuring that it meets its legal obligations in relation to securing freedom of speech.

Legal Context

Universities operate in a complex legal environment and so it is vital that all individuals involved in the external speaker process, including the speakers themselves, understand the legal framework and context that governs this area. Examples of some of the relevant areas of law are given below.

- People are entitled to protection from harassment, defamation and unlawful breach of their human rights, as well as from unfair treatment under equality law.
- Hate crimes, harassment, breach of the peace and terrorism all come under criminal law.
- Civil legislation and local Council bylaws governing public meetings, public processions/assemblies and public order may be of relevance, including legislation governing health and safety.

Conduct

The University expects external speakers to act in accordance with the law and not to breach the lawful rights of others.

Set out below are some examples of the University's expectations. Please note that this is not intended to be an exhaustive list of unacceptable conduct by external speakers. The University reserves the right to not permit an external speaker to speak at or attend an event, to refuse to permit an event and/or to halt an event at any time if it reasonably considers there may be a breach of the External Speaker Policy or of any legal obligation.

During the course of the event at which he or she participates, no speaker shall:

- Act in breach of the criminal law.
- Incite hatred or violence or any breach of the criminal law.
- Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism within the UK or abroad.
- Spread hatred and intolerance.
- Discriminate against or harass any person or group on the grounds of their sex, gender identity, race, nationality or state of origin, ethnicity, disability, religion and belief (including non-belief), sexual orientation or age.
- Defame any person or organisation.
- Raise or gather funds for any external organisation or cause without express permission of the University.

During the course of the event, all speakers shall:

- Comply with the University's External Speaker and Events Policy.
- Present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question.
- Follow the University's policy on and instructions relating to security, health and safety.

Enforced Segregation

Universities have duties under the Equality Act 2010 as education providers, employers and service providers; thus they must not unlawfully discriminate against students, employees and other individuals to whom services are provided.

Enforced segregation is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the university or the students' union. Enforced segregation is therefore not permissible for any event covered by the External Speaker Policy and this Guidance.