

Procedures for complaints raised by third parties

Purpose

1. To ensure that processes are in place that explicitly provide for freedom of speech complaints by third parties, including visiting speakers, thereby protecting freedom of speech and upholding the legal and regulatory duties of the University in this respect.

Definitions

2. This procedure adopts the definitions set out in the University's Policy and procedures on academic freedom and freedom of speech.

Scope

3. This procedure applies to all individuals proposed and/or invited by staff and/or students as a Visiting Speaker, and visitors attending University-led events.
4. A freedom of speech complaint may be raised where an individual or group of individuals considers that their right to freedom of speech within the law has been breached as a result of action or inaction by students, staff or the institution as a whole.
5. The University does not accept and cannot investigate anonymous third party complaints relating to freedom of speech.

Statement of Procedures

6. Freedom of speech complaints can be raised by third parties:
 - By contacting governance@york.ac.uk, for the attention of the University Secretary
 - Where complaints involve a component relating to bullying/harassment, via the University's [Report + Support](#) tool.
7. Complaints raised by third parties relating to individual students will be handled under [Regulation 7: student discipline](#) and the University's [Non-Academic Misconduct Disciplinary Procedure](#).
8. Complaints raised by third parties relating to individual members of staff will be handled under the University's [Disciplinary Procedure](#) and [Guidelines](#), provided there is sufficient evidence to support an investigation.

9. Complaints against the University

- 9.1 Complaints against the institution as a whole will be investigated by the University Secretary or their nominee, supported by the Governance and Assurance Office, with reference to the University's Policy and procedures on academic freedom and freedom of speech and with input from Legal Services as required. If a potential or actual conflict of interest is identified, these responsibilities will be delegated to a colleague with equivalent seniority and sufficient knowledge and expertise.
- 9.2 Any specific complaints/issues which are judged by the University Secretary to be significant or urgent will be brought to the attention of the Vice-Chancellor and the Chair of Council.
- 9.3 All parties involved in the investigation must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.
- 9.4 Where the investigation finds that there is a case to answer, recommendations may include but are not limited to:

- Training and/or awareness-raising on the University's Policy and procedures on academic freedom and freedom of speech for staff and/or students.
- Process review.
- If appropriate, referral of findings across to the University's staff and/or student disciplinary procedures, without prejudice.

- 9.5 The University Secretary will maintain an audit trail for the investigation of the complaint against the institution, including a written summary of its outcomes.
10. Investigations will be conducted in as timely a manner as is reasonably practicable, compatible with the interests of justice, and in accordance with the timescales set out in specific procedures where the latter are invoked.
11. Communications with a third party complainant must be informed by input from the University Secretary (or their nominee) in relation to freedom of speech within the law, with advice and support from the Director of Communications as necessary.
12. The University will dismiss a free speech complaint at any time if it is judged by those investigating to be frivolous, malicious or vexatious.