

paper

Subject:	External Speakers Policy
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To:	Trustee Board
Date:	25/11/20
Action:	To approve
Paper:	External Speaker Policy Review
Status	Open
Purpose:	We review the SU's External Speakers Policy on an Annual Basis

Introduction

The Charity Commission has a general expectation that charities will manage risk effectively, and in the case of external speakers an External Speakers Policy is in place to ensure that we are able to demonstrate that these risks are managed. This policy is effectively the Unions approach to freedom of speech for external speakers, and therefore may come under greater scrutiny as the debate around 'freedom of speech' and student unions continues to be relevant.

Here is a link to a recent paper published by the Adam Smith Institute <https://www.adamsmith.org/news/the-state-of-the-student-unions> which sets out to challenge the role of students unions and here is a response from WONKSU that gives a general SU view <https://wonkhe.com/blogs/do-students-unions-waste-money/>. There has already been an enquiry from

Review

We review the policy formally at Board each year. In the year 2019- 2020:

- Upon review, no speakers were referred last year further than head of department level.
- We received 69 guest speaker requests through our student groups and some Union led events last academic year which is lower due to national restrictions taking place in March 2020. We currently have received 21 speaker requests this academic year to date with no required referrals.
- Most speaker topics include charities support, medical CPD, revision/learning and career aspirations. We have seen an increase in speakers on the topic of climate change.
- The University has reviewed its procedures and confirmed following discussions that it is happy that the SU manages this area of risk autonomously
- We have recognised the additional risk of guest speakers being present online and develop a new system specifically for online guest speakers which was traditionally linked with the room booking procedure.
- We have also issued extensive guidance for online events to all clubs and socs on how to keep students safe online at their events.
- We have removed the condition *Requiring that a copy of any speech or accompanying content to be delivered by the speaker be submitted to the union* because this felt an onerous request that has never been implemented and we of course reserve the right to add any condition.
- We have added *Any conditions imposed by UEA as agreed* to better align our policy with that of UEA's

As such the policy is working well and there are new revision to reflect the online events provision in the initial process section and new preferred mitigation of risk for online events. There are no other changes at this stage. The amended version is therefore for **approval**.

UEASU: Handling events with External Speakers

Preamble

1. Freedom of expression and speech are basic human rights to be protected and are protected by law.
2. Open debate is central to the culture of academic freedom, the development of student's ideas and understanding and is protected by an act of parliament relating to freedom of speech and academic freedom on campus.

3. That said student safety and welfare is at the heart of the union's policies and practices.
4. As such, the freedom to express views can sometimes be tempered by the need to secure freedom from harm for students and communities.
5. Where there is a potential for these rights to come into conflict in relation to controversial speakers, this union is committed to collaboration that will allow the union to reach sound, evidenced judgements about the organisation or person in question and that allows the union to meet its various legal obligations.
6. The signatories of a student group or Union Officer organising any event are responsible for the activities that take place within their events.
7. All speakers will be made aware of their responsibility to abide by the law, the university and the union's various policies, including that:
 - a. They must not incite hatred, violence or call for the breaking of the law
 - b. They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts
 - c. They must not spread hatred and intolerance in the community and thus aid in disrupting social and community harmony
 - d. Within a framework of positive debate and challenge seek to avoid insulting other faiths or groups
 - e. They are not permitted to raise or gather funds for any external organisation or cause without express permission of the trustees

Background

1. Student Groups or Union Officers must notify the Union Opportunities department of any events that involve external speakers (defined as individuals or organisations that are not part of the Union or the University) through these procedures.
2. No event involving any external speakers may be publicised until the speaker has been cleared through the appropriate procedures as provided in this policy.
3. The Union reserves the right to cancel or prohibit any event with an external speaker if the procedures provided herein are not followed or if the relevant health, safety and security criteria cannot be met. This falls in line with the Charity Commissions' Complaint toolkit chapter 5 'Protecting Charities from harm'.
4. Policy previously passed by Union Council [\[LINK\]](#), sets out a view of opposition to the Government PREVENT legislation. We do however undertake monitoring of UEA's engagement with and adherence to the legislation.

Initial process

1. The Union's external speaker request form requires event organisers to provide:
 - a. Provide 20 working days notice of the proposed event with speaker attending including times, dates and location or online platform, via the online form or room booking process.
 - b. Expected number of attendees (as accurate as possible)
 - c. Confirm whether the event will be a member only, invitation only event or open to the general public
 - d. Confirm any external speakers' affiliations (specifically where they are political or religious)
 - e. Declaration of any knowledge of controversy attracted by the speaker or topic in the past
 - f. Confirmation if the event and speaker are likely to attract media interest or mass student interest online (social media) – if so why?
 - g. Confirmation of website details (where relevant) providing further information on the speaker
 - h. Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral for union disciplinary action
2. On receipt of the form the Student Opportunities staff will check all speakers on Google (after first looking at any web link provided) and look at the first three pages of results (if any results are found). This information is then noted on the sheet including a link to the most relevant information about the speaker.
3. We will also check their current following on Twitter, Facebook, Youtube, LinkedIn and Instagram should they have public profile to gather an estimation of following and popularity.
4. The Student Opportunities staff will maximize its links in the sector to maintain up to date knowledge on controversial speakers and will liaise closely with student groups, the Multi Faith Centre and University colleagues in particular security. All opportunities staff will be trained annually on the implementation and upholding this process.
5. The Student Opportunities staff will review all speakers. They will refer any speakers that may require further exploration to the Chair of the Trustee Board and Senior Post Holder (SPH hereafter).
6. They will provide where possible 3 hyperlinks to the most relevant Google results and any public social media profile links. for any speakers that are a cause for concern. All others will be considered to be approved and will be sent point 7 of this policy's preamble to uphold their responsibilities.

To note:

Gifts for speakers, coaches or other volunteers may be bought, provided the cost value does not exceed £20. This is

to avoid issues around payment-in-kind (and associated tax implications) and bribery legislation. Reasonable travel (standard, not first class, etc.) and subsistence costs can be covered, provided these are agreed in advance with speakers and other committee members.

Referred speakers:

1. Any events with referred speakers will be investigated by the Senior Post Holder for decision by the Chair of the Trustee Board on behalf of the Trustee Board.
2. They will conduct a short investigation into the speaker and the event that, wherever possible, takes representations from the group/officer related to the booking and from a wide number of concerned student groups, university officials and external bodies.
3. In making recommendations they will assess risk on the following basis:
 - The potential for any decision to limit freedom of speech as per the university’s code of practice in pursuance of the 1986 Education Act
 - The potential for the event going ahead to cause the union to be in breach of its equal opportunities policy
 - The potential for the event going ahead to cause the union to fail in its wider legal duties
 - The potential for the event going ahead to cause reputational risk to the Union
 - The potential for the speaker’s presence on campus to cause fear or alarm to members of the student body
 - The potential for the speakers presence on campus to give rise to breach of peace

They may make one of the following recommendations:

- a. On the basis of the risks presented to not permit the event with the external speaker to go ahead
- b. On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted
- c. On the basis of the risks presented to permit the event with the external speaker to go ahead on the basis of regulatory steps designed to reduce risk
4. Regulatory steps designed to reduce risk may include, amongst other conditions as found necessary:
 - Requiring that the event be filmed by an independent body
 - Requiring the event to be held in a designated space as agreed by the chair of the board
 - Requiring that the event be observed or hosted by union, university or third-party officials (online or in person). Where online the event may also be required to be produced by the Union.
 - Requiring that the event be ticketed, stewarded or subject to security on the door, and that speaker egress and ingress routes to be agreed.
 - Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
 - Requiring that an event closed to group members only, be opened to all members of the union
 - When considering any regulatory steps designed to reduce risk, their potential to in and of themselves cause risk (for example, the sense of oppression felt by the imposition of security on the door) should be taken into account.
 - Requiring the event publications and promotions to be reviewed
 - That where appropriate the event be delivered in English to ensure safeguards to students can remain in place
 - Further stipulations may be required in conjunction with the UEA if held within university premises
 - Any conditions imposed by UEA as agreed
5. The recommendation will be put to the Chair of the Trustee Board who will make a decision that is routinely communicated to the Trustee Board. Should members of the Trustee Board disagree with the decision they can call an extraordinary meeting in the usual way.
6. Where the student group or union officer in question disagrees with the decision made they shall have the right to appeal of which will be considered by the Management Committee. This will also be routinely communicated to the Trustee Board, and should members of the Trustee Board disagree with the decision they can call an extraordinary meeting in the usual way.
7. Where students or student groups disagree with the decision made they shall have the right to submit a complaint in the usual way, a remedy to which shall be the option to consider the complaint an appeal as above.
8. An annual report on referred speakers will be produced by the Chair of the Trustee Board for consideration by the Trustee Board.

Appendix: UEA Policy

Code of Practice Relating to Freedom of Speech and Activities, Events and Meetings

1. Preamble

- 1.1** The Education (No.2) Act 1986 places a duty on the University to ensure that freedom of speech is secured for students, staff and visitors, and so far as is reasonably practicable that no premises of the University (including those of the Students' Union) shall be denied to any individual or body of persons on any grounds connected with:
- a) the beliefs or views of that individual or body; or
 - b) the policies or objectives of that body.
- 1.2** The University values academic freedom and is committed to promoting and encouraging free debate and inquiry. It accommodates a wide range of views, even when they are unpopular, controversial or provocative. Nonetheless, the University does not regard the right to freedom of speech as unfettered and asserts its right to prohibit or to place special conditions on activities, events or meetings ("activity" or "activities") where it is appropriate to do so.

2. Activities which are subject to this Code

- 2.1** The activities which are subject to this Code are those which:
- a) involve a proscribed organisation; or
 - b) are likely to give a platform for views which are unlawful or where it is likely that others will be encouraged or incited to break the law; or
 - c) where there may be risks to public order or to the safety of individuals or property; or
 - d) there are risks that views will be expressed which constitute extremist views (in opposition to fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs), and which risk drawing people into terrorism or are shared by terrorist groups.

3. Notification

- 3.1** It will be the responsibility of the organiser of any activity that might fall within paragraph 2.1 and is thereby subject to this Code (whether it takes place on or off campus) to draw the activity to the attention of the person authorised by the Registrar (the authorised officer) at least ten clear working days prior to the activity. In addition:
- a) any room booking request outside of the normal procedures for time-tabling academic provision will require the organiser to assess whether the event falls within paragraph 2.1 and to always provide details of the nature of the event and any external speakers;
 - b) the Students' Union will operate its own arrangements for reviewing activities and bookings on University premises made by its officers, staff, clubs and societies which are consistent with the obligations set out in paragraph 1.1 and which will be reviewed and agreed annually with the University. These will include an objective determination of whether an activity falls within paragraph 2.1 (with subsequent referral to the authorised officer) and identify the steps which could mitigate the risks identified in paragraphs 2.1c) and 2.1d).

4. Actions by the University

- 4.1** The University will prohibit activities that it determines fall within 2.1 a) or 2.1 b) and may prohibit activities which it determines fall within 2.1 c) or 2.1 d) where it considers that the risks cannot be fully mitigated through special conditions and in so determining, will err on the side of caution.
- 4.2** The University will prohibit or place special conditions upon any activity off campus that falls within 2.1 and is associated with the University, insofar as that is practicable.

- 4.3** The University will use such means as are available to it to give effect to this Code and to enforce any special conditions it imposes on particular activities. A breach of the Code or any prohibition or special conditions may lead to disciplinary action.
- 4.4** In the case of any activity identified as falling within 2.1 the authorised officer will determine who is the principal organiser of the activity and will within five clear working days of the planned time of the activity, determine whether or not the activity should be allowed to proceed or whether it should be allowed to proceed on the basis that special conditions are adhered to. It shall be the responsibility of the principal organiser to ensure that such special conditions are met.
- 4.5** Where ten clear working days' notice of an activity found to fall within 2.1 is not given to the authorised officer permission will normally be refused for the activity to take place.

5. Special conditions for an activity to proceed

- 5.1** Any special conditions set by the authorised officer will aim to minimise the risks set out in paragraph 2.1 and may include *inter alia* the requirement that:
- a) a deposit is payable by the principal organiser in advance of the event;
 - b) the principal organiser appoints a stipulated number of named stewards, as to whose suitability the authorised officer must be satisfied, in addition to any security staff that the authorised officer may feel should be present to maintain order;
 - c) the wording of leaflets and notices advertising the activity is subject to approval by the authorised officer;
 - d) admission to the event is confined to members of the University;
 - e) tickets are issued by the principal organiser/authorised officer;
 - f) admission is confined to ticket holders;
 - g) nominated senior members of the University are present;
 - h) the activity is recorded;
 - i) the admission of press, television and broadcasting personnel is restricted;
 - j) the access and exit routes of the speaker are subject to approval by the authorised officer;
 - k) the authorised officer decides which room(s) are used;
 - l) detailed arrangements are agreed between the principal organiser and a member of staff nominated by the authorised officer;
 - m) there is adequate opportunity for a wide range of views to be expressed and challenged;
 - n) an experienced and respected individual approved by the authorised officer chairs the activity.

6. General requirements

- 6.1** The Chair of any activity that is a meeting has a duty so far as possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of unlawful conduct, the Chair is required to give appropriate warnings and, in the case of continuing unlawfulness, to require the withdrawal or removal of persons concerned by the stewards.
- 6.2** The Chair of the meeting also has a duty to terminate the meeting if order cannot be maintained and to protect the safety of people, property or premises.
- 6.3** No article or objects likely under the circumstances to lead to injury, damage or a breach of the peace may be used as part of any activity.
- 6.4** Premises used for an activity must be left in clean and tidy conditions in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance, or evidence of ability to meet such payment, may be required.
- 6.5** The University may require the organisers of an activity to bear the costs for any additional security that is required.

7. Appeals

- 7.1** Appeals against the rulings of the authorised officer may be made to the Vice-Chancellor whose decision shall be final.

8. Awareness

- 8.1** The University will draw this Code to the attention of all staff, students and the Students' Union annually.