UPSU Policies
Handling Events with External Speakers Policy
October 2018

Approval Details

Approved by	G&A Committee	Date	September 2018
Approved by	Trustee Board	Date	October 2018
Ratified by	Union Council	Date	October 2018
Implementation date:	November 2018		
Document admin responsibility	Director of Membership Services		

Reviewing this document

This document may be amended with the permission of the Board of Trustees, following pre-approval by Governance and Appointments Committee.

Union Council will then review any significant changes to this Bye-law prior to any such change taking effect in order to permit the Council the opportunity to provide feedback and raise any concerns in respect of any such change directly with the Union Chief Executive who will refer such feedback and concerns to the Board of Trustees for further consideration.

Handling Events with External Speakers Policy

The Students' Union Handling Events with External Speakers Policy is not contractual, but is a statement of intent to manage the risk associated with external speakers.

Preamble

Freedom of expression and speech are basic human rights to be protected and are protected by law.

Open debate is central to the culture of academic freedom, the development of students' ideas and understanding and is protected by an Act of Parliament relating to freedom of speech and academic freedom on campus.

That said student safety and welfare is at the heart of the union's policies and practices.

As such, the freedom to express views can sometimes be tempered by the need to secure freedom from harm for students and communities.

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.

The President of the society organising any event is responsible for the activities that take place within their society's events.

All speakers must be made aware of their responsibility to abide by the law, the university and the union's various policies, including that:

- They must not incite hatred, violence or call for the breaking of the law

- They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts

- They must not spread hatred and intolerance in the community and thus potentially disrupt social and community harmony

- They must, within a framework of positive debate and challenge seek to avoid insulting other faiths or groups

- They are not permitted to raise or gather funds for any external organisation or cause without express permission of the trustees

Background

Clubs, Societies and any other student groups must notify UPSU, via the Societies and Activities department, of any events that involve external speakers (defined as individuals or organisations that are not part of the UPSU or Plymouth University) through these procedures.

No event involving any external speakers may be publicised until the speaker has been cleared through the appropriate procedures as provided in this policy.

UPSU 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.

UPSU reserves the right to deny a platform to racist and fascist individuals and groups by debating them in the usual channels. It will be for the Trustee Board to determine processes that reasonably identify individuals and members of groups that fall within the no platform policy and where this judgement is made the event will automatically not be approved.

Initial process

UPSU's external speaker request form requires event organisers to provide:

- Expected number of attendees

- Confirmation of whether the event will be a member only, invitation only event or open to the general public

- Confirmation of any external speakers' affiliations (specifically where they are political or religious)

- Declaration of any knowledge of controversy attracted by the speaker or topic in the past

- Confirmation of whether the event and speaker are likely to attract media interest – if so why?

- Confirmation of website details (where relevant) providing further information on the speaker

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

On receipt of the form the Societies and Activities Coordinator will check all speakers online (after first looking at any web link provided). This information is then noted on the sheet including a link to the most relevant information about the speaker. The Societies and Activities Coordinator and other relevant staff will receive regular training and briefing on controversial speakers and will liaise closely with student societies, religious and cultural groups and University security.

The Societies and Activities Manager will review the completed spreadsheet twice weekly. They will refer any speakers that may require further exploration to the Vice President Activities and CEO/ Director of Membership Services. They will provide 5 hyperlinks to the most relevant internet search results for any speakers that are a cause for concern, alongside information from the Prevent regional lead. Any speaker not referred will be considered to be approved.

Referred speakers

Any proposed events with referred speakers will be investigated by the CEO/Director of Membership Services who will make a recommendation to the Vice President Activities and Development; a joint decision will then be made on behalf of the Trustee Board.

They will conduct a short investigation into the speaker and the event that, wherever possible, takes representations from the student society related to the booking and from a wide number of relevant student groups, university officials and external bodies.

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 speaker's presence on campus to give rise to a breach of the peace

They may make one of the following recommendations:

- On the basis of the risks presented to not permit the event with the external speaker to go ahead

- On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted

- On the basis of the risks presented to permit the event with the external speaker to go ahead subject to the implementation of regulatory steps designed to reduce risk

Regulatory steps designed to reduce risk may include any or all of the following:

- Requiring that the event be filmed by an independent body

- Requiring that the event be observed by union, university or third-party officials

- Requiring that the event be stewarded or subject to security on the door

- Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view

- Requiring that an event closed to society members only be opened to all members of the union

- Requiring that a copy of any speech to be delivered by the speaker be submitted to the union in advance for scrutiny

When considering any regulatory steps designed to reduce risk, the potential for such steps in and of themselves to cause risk (for example, the sense of oppression felt by the imposition of security on the door) should be taken into account.

The recommendation will be put to the Vice President Activities and Development who, jointly with the CEO, will make a decision that is routinely communicated to the Trustee Board. Where members of the Trustee Board disagree with the decision they may call an extraordinary meeting in the usual way.

Where the society in question disagrees with the decision made they shall have the right to appeal which will be considered by the President.

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 and appeal as above.

An annual report on referred speakers will be produced by the Vice President Activities for consideration by the Trustee Board.

For further help and advice, please contact the Governance Team

END OF DOCUMENT

Appendix 1
Stage 1: All Speaker Requests

Clubs / societies/groups submit an external speaker request form to the students' union for any events that involve external speakers at least two weeks before the event

It is the society's responsibility to provide sufficient information about the speaker on the speaker request form

The Societies & Activities Co-ordinator checks the form. Information about the external speakers listed on the form should be researched online, via search engine, and any previous records of requests made to the Union

Read "When should I refer speakers?"

A note of information identified should be added to the request form

A decision is made as to whether these speakers should be referred for further investigation

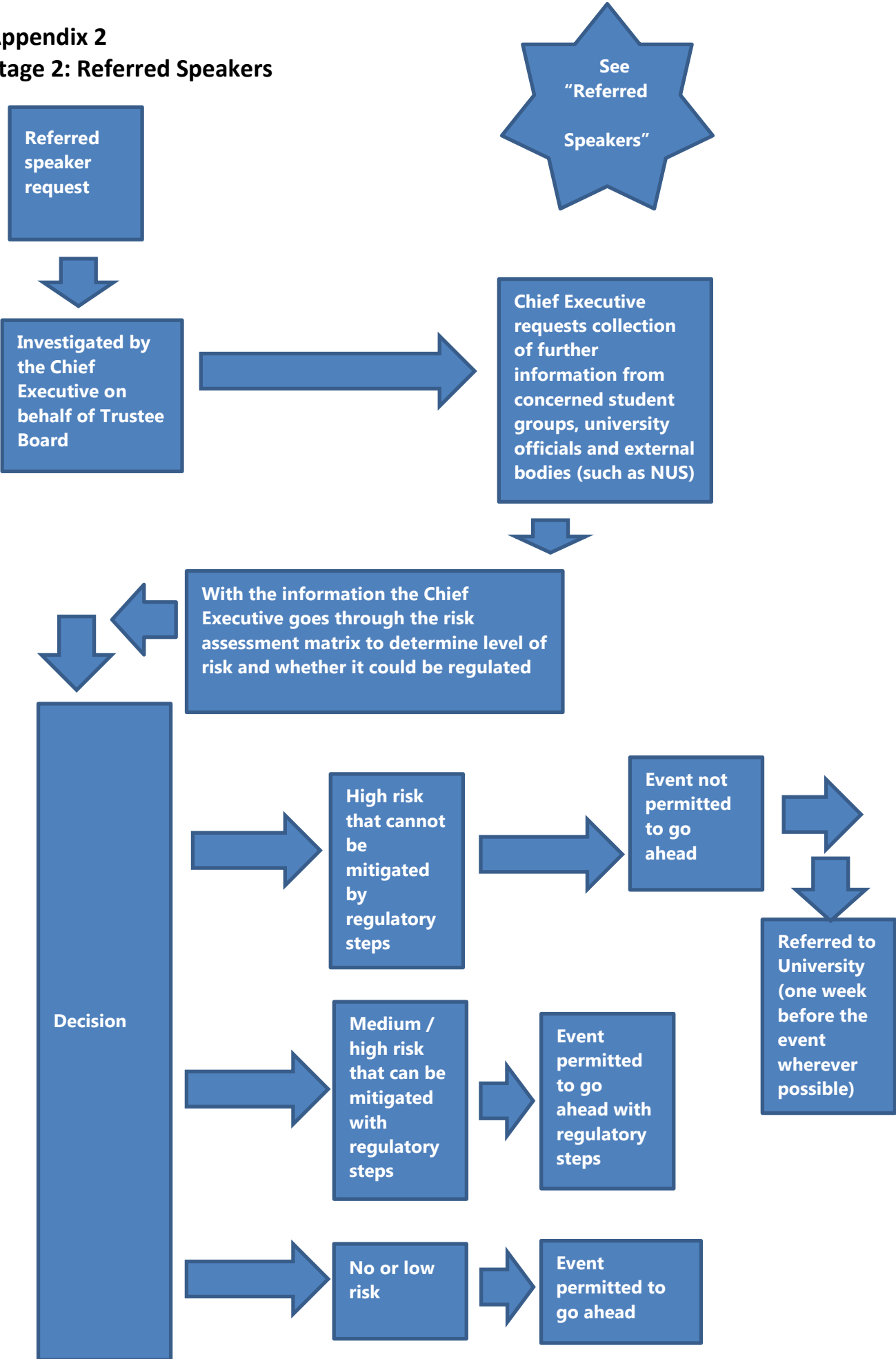Speaker request referred to Chief Executive (or relevant SMT member).

No referral, the event is permitted to go ahead.

Appendix 2
Stage 2: Referred Speakers

See "Referred Speakers"

Referred speaker request

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Investigated by the Chief Executive on behalf of Trustee Board

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Chief Executive requests collection of further information from concerned student groups, university officials and external bodies (such as NUS)

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With the information the Chief Executive goes through the risk assessment matrix to determine level of risk and whether it could be regulated

Decision

→ High risk that cannot be mitigated by regulatory steps → Event not permitted to go ahead → → Referred to University (one week before the event wherever possible)

→ Medium / high risk that can be mitigated with regulatory steps → Event permitted to go ahead with regulatory steps

→ No or low risk → Event permitted to go ahead

This form must be completed in full and handed in to the Societies & Activities Coordinator at least two weeks before the event. Failure to disclose full speaker details may result in your event/booking being cancelled and could result in referral for UPSU/Plymouth University disciplinary action.

Personal details				
Society / club / group				
Your name				
Email address				
Telephone number				

Event details				
Date of event		Expected audience number		
Start time		Finish time		
Meeting to consist of	SU members only	Yes ☐	No ☐	
	By invitation only	Yes ☐	No ☐	
	Open to general public	Yes ☐	No ☐	
Is the event likely to attract media interest?		Yes ☐	No ☐	
If yes, why?				

Speaker			
Name			
Affiliations (religious / political etc.)			
Speech topic			
Has the speaker attracted controversy in the past?		Yes ☐	No ☐
If yes, give details			
Website details with speaker's background			

Society / Club / Group authorisation			
Signature		Date	

Office use only					
Speaker approved?	Yes ☐	No ☐	Speaker referred to CEO?	Yes ☐	No ☐
Signature of Societies Coordinator			Date		

Appendix 4: When should I refer speakers?

It can be difficult to make decisions about potential risks of an external speaker based only on the information provided by an internet search.

Thoughts that we may consider include:

• Have I/we collected the appropriate/correct information?
• What if there is no information about this individual/ organisation online?
• What is controversial and what constitutes 'hate speech' - Who decides?

Good practice tells us to consider each external speaker request individually. Each external speaker or organisation should be considered on a case by case basis. Controversy and hate speech will occur at different times in different situations.

Information collated through our practice should not be used to create a list of individuals and organisations and therefore become a secondary no platform policy. We should assess the risk of each situation individually, and make an evidenced and reasoned judgement.

In terms of regulation under the Charity Commission it is important that we can demonstrate that we have assessed the risk of an external speaker through a reliable and rational process. At times the wrong decision may be made, but what is important is that we can demonstrate that we undertook a process of assessing potential risks.

What is controversial and what constitutes 'hate speech' ?

When you might consider referring a speaker to stage 2:

• When the information provided on the speaker request form is not sufficient or incomplete
• When there is no consideration given to the potential risks by the society in the form
• Where previous risks or tensions have arisen from a similar event organised by the society or where the same/similar speaker has attended before

What might be controversial and/or high risk?

• A speaker tour
• Talks by organisations generally considered to be extremist
• Speaker who is known to have spoken previously at another institution on a topic that has caused fear or intimidation of students or staff
• Accepted in mainstream as being highly controversial (and may require challenge)
• Is known to/or likely to cause harm to a specific group of students at your institution

Appendix 5: Assessing risk of referred speakers – Risk Assessment Guidance

Once a speaker has been referred the Chief Executive / Director of Membership Development should collect further information about the external speaker and consider the possible risks using the risk assessment table (Appendix 11).

Making a decision

In making a decision the points below should be considered as well as those in the risk assessment table.

Conduct of meeting

How will the chair:

- Deal with hecklers or any disturbance (specifying the circumstances in which the chair would ask stewards or security staff to intervene, and to what effect)
- Allow the expression of alternative views (for example in a debate format)
- Select individual members of the audience to put points or ask questions
- Ask individuals (speakers or audience members) to leave the event
- Terminate the meeting in the event of material disorder

Audience Safety

- Have the organisers made arrangements for first aid and fire safety?
- Have stewards to the event been briefed on their role and responsibility?
- Have the organisers and stewards discussed when and how to liaise with University security?
- Are the arrangements for audience admission appropriate for the type of event?

Cameras, press and publicity

- Will the event be filmed or recorded? And if so, by whom?
- Will members of the press be in attendance?

Outside the venue (during the event)

What arrangements have been agreed with University Security (and if necessary the Police) for crowd control and public order immediately outside the venue (for example, in the event of there being a number of protestors or groups who have been denied access to the venue).

After the event

Events should be evaluated by the organising society or students' union as this will help highlight issues and tensions as well as possible risks associated with similar events held in the future. For example, an event might be assessed as low and go ahead, but turns out to be

highly controversial (during or after the event). Evaluation should be undertaken to help us to understand why this event was controversial or challenging and this record will add to knowledge for assessing future events that are similar.

Appendix 6: External Speaker Approval Assessment Questions

- Have any risks been highlighted by the society submitting the speaker approval request?

- Is the individual a member of any organisations?
  - Are any of these of a controversial nature?

- Has the individual ever been featured in the media?
  - Positive media attention?
  - Negative media attention?

- Has the individual ever faced criminal prosecution?
  - Has it resulted in a criminal conviction?

- Is the individual likely to offend any groups/groups of students in particular?
  - Has the society contacted these groups?

- Has the individual been accused of violating any laws related to hatred, discrimination, incitement or intimidation?

- Has the individual been accused of targeting a group based on their skin colour, race, religion, nationality, ethnicity, religion or sexuality?

- Has the speaker been hosted by another University/Students' Union in the past?
  - What happened on that occasion

- Is it predicted that their presence at a UPSU event will attract media attention?

Appendix 7: Regulatory steps

Regulatory steps should only be used to reduce risk, and where otherwise the event would need to be cancelled.

This guidance seeks to support students to self-organise events safely and considering the potential risks to the union and university. And therefore in some cases regulatory steps will support events to go ahead, by mitigating the risk.

Importantly though, when considering regulatory steps we should take into account their potential in and of themselves to cause risk during and after an event. In doing so, it is up to UPSU to decide which regulatory steps they implement for which events as necessary; suggestions made within the NUS guidance are:

> • Requiring that the event is chaired by an experienced chair (from the students' union or university)
> • Requiring that the event be filmed by an independent body
> • Requiring that the event be observed by union, university or third party officials
> • Requiring that the event be stewarded or subject to "security" on the door
> • Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
> • Requiring that an event closed to society members only be opened to all members of the union
> • Requiring that a copy of any speech to be delivered by the speaker be submitted to the union beforehand

Remember all events should comply with polices such as the equality and diversity policy. Event Chairs should be familiar and able to uphold polices by challenging anyone in an event who undermines a policy/procedure.

If the Chief Executive / Director of Membership Services (on behalf of the trustees) decides the event can go ahead but requires some regulatory steps to mitigate against potential risks, the associated risks to implementing these regulatory steps will also need to be considered. For example having security at an event may make the audience members feel more insecure or under scrutiny.

We may need to consider communicating the need for security to the audience at the start of an event (or beforehand).

Appendix 8: Disciplinary action for societies and officers who infringe union policy

Where societies repeatedly avoid submitting external speaker request forms (or don't undertake the requirements of this policy in other ways) we will implement our disciplinary procedure relevant to when societies do not comply with the rules, policies and procedures of the union.

The consequences of not complying with union policy will be clearly communicated to societies, when they register (and undergo initial training). They will be informed it is their responsibility to inform the union of any events they hold with external speakers or when displaying films.

 Similarly, officers are subject to the same responsibilities as societies, as part of the students' union and are therefore subject to the same disciplinary procedures where they infringe union policy.

Appendix 9: Briefing for UPSU Club and Society Presidents: Outside Speakers and Freedom of Speech on Campus

UPSU is committed to facilitating debate and discussion to further the extra-curricular development of our students. UPSU is committed to Freedom of Speech and to support student societies in inviting external speakers to their events to contribute to the dialogue. When approving external speaker requests, it is important that we take into consideration any risks associated with the speaker attending the event so that we can work with you to mitigate them. This may require additional support and resources so the more time we have to prepare the better. Risks we have to take into consideration when approving a speaker include student wellbeing and health and safety. We also consider the history of the speaker and any media attention they have received previously. Laws regarding discrimination, incitement and intimidation are taken into account when reviewing the history of the speaker to ensure that we are not perceived to be providing a platform for illegal activity. We will also consider any particular student groups that may take offence at the invitation of the speaker to an event and will encourage you to contact them in advance to discuss their concerns.

The form you need to complete to request permission for an external speaker can be found in the Clubs and Societies section of our website. It is important that you include as much information as possible to speed up the checks we have to perform on the speaker. If the form is submitted incomplete or we feel that you have not been through enough, we will send the form back to you to be updated. You need to leave us at least two weeks to carry out our approval process from the date of submission of a complete and appropriately detailed form, so submitting an inappropriately completed form risks having your event postponed.

The 'Handling Events with External Speakers' policy provided on our website must be circulated to all speakers in advance of submission of the form. You then need to confirm with them that they agree to comply with UPSU policy while being hosted at one of our events, and note this on the form.

The Freedom of Speech Rider we have included in the Club and Society Development Pack (and as Appendix 10 of this policy) is aimed at increasing awareness of our policy amongst all attendees at your event, including those not classified as speakers. With that in mind, you must copy and paste this rider on to the bottom of emails you send out inviting people to your event, for example on your club or society mailing list, as well as the event pages you set up on the internet, for example on Facebook. It is essential that this be circulated as due to the nature of some events, even those that are not classified as speakers will be voicing their opinions and contributing to discussions.

While we realise that the bureaucratic burden of forms is not insignificant, we hope you understand that the information you provide is important for us to be able to fairly assess each speaker and make a decision that is in the best interests of the students and of UPSU. Overall, responsibility for all UPSU activity, including Club and Society events, lies with the UPSU Trustee Board. If any questions remain, please contact the VP Activities at vpactivities@su.plymouth.ac.uk

Appendix 10: Freedom of Speech Rider

UPSU is committed to providing a forum that facilitates Freedom of Speech while providing a safe space for our students and the public. We support events that contribute to the extra-curricular development of students while requesting that all speakers and attendees are respectful of the beliefs and opinions of others as well as the laws that protect individuals and groups from intimidation, discrimination and harassment. By attending a UPSU event you are agreeing to uphold our policies regarding Equal Opportunities and Safe Space. Any breach of the UPSU policies and procedures may result in a UPSU disciplinary or further action being taken.

Appendix 11: Risk Assessment Table

Responsibility of University and/or Students' Union	Statutory Legislation	Issues/questions to consider	Reminder of how and why this is relevant
Encouraging divergent views and debate	Education (No.2) Act 1986 (The duty is indirectly applied to Students and SUs through the institutions required Code of Practice and rules and practices adopted to support and implement the section 43 duties.) Education Reform Act 1988 (duty imposed on Commissioners, and relevant to academic staff only)	What is the format of the event? Will there be a Q & A session, or similar? Is this a sole speaker at the event? Are alternative views being presented? Will there be a strong chair?	Section 43 is a positive and proactive legal duty, obligating universities to do all that is reasonably practicable to ensure that freedom of speech is secured for all participants in university life – members, students, staff and visiting speakers. The Education Reform Act 1988 refers to Academic Freedom - Students and visiting speakers are not covered and cannot invoke a legal right of "academic freedom".
Freedom of expression of all members of the University community	Freedom of Expression & Speech under Human Rights Act 1988 (SUs are not directly covered by this duty)	Is the speaker likely to impart ideas or information that will affect the rights, freedom and/or safety of staff/ students on campus?	Freedoms under the Human Rights Act can be restricted for the protection of the reputation or rights of others and for the prevention of disorder and crime
Promoting good race relations	Race Relations Act 1976 (and Amendment Act 2000); Equality Act 2010	Does the speaker's presence on campus and likely content of speech breach the University's duty to promote good race relations?	
Protection against racial and/or religious hatred	Public Order Act 1986; Racial and Religious Hatred Act 1986; Equality Act 2010	Is the speaker likely to incite racial or religious hatred? How will the speaker engage in Incitement?	

Responsibility of University and/or Students' Union	Statutory Legislation	Issues/questions to consider	Reminder of how and why this is relevant
Protection against discrimination and/ or harassment	Race Relations Act 1986; Protection from Harassment Act 1997; Employment Equality (Religion or Belief) Regulations 2003; Equality Act 2010	Is the speaker's attendance likely to discriminate against staff or students and/or lead to an intimidating or offensive environment? • Is it likely to cause others to fear for their own safety? How is this likely to manifest itself?	
Maintenance of public order and safety	Public Order Act 1986	• Is the speaker's attendance likely to cause public disorder on campus? What steps could be taken to mitigate risk of protests/ counter-protests threatening public safety? • Have concerns of staff and students been collated and addressed?	

Appendix 12: External Speaker Monitoring Document

- External speaker booking form must be completed with full details provided
- Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral for union disciplinary action
- 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)
- The Societies and Activities Manager will review the completed monitoring document twice weekly
- Note information on the booking sheet including a link to the most relevant information about the speaker
- The Societies and Activities Manager will refer any speakers that may require further exploration to the Vice President Sports and Societies and CEO/ Director of Membership Services. They will provide 5 hyperlinks to the most relevant Google results for any speakers that are a cause for concern
- All others will be considered to be approved and this should be communicated with the event organiser by the Societies and Activities Coordinator

Date	Name of Society / Club	Speaker Name	Referred (Yes / No)	If referred – outcome from referral	Date of feedback to organiser (Society/Club)

Date	Name of Society / Club	Speaker Name	Referred (Yes / No)	If referred – outcome from referral	Date of feedback to organiser (Society/Club)