

EXTERNAL SPEAKER POLICY

September 2019

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<http://policies.docstore.port.ac.uk/policy-181.pdf>

Summary

What is this document about?

The purpose of this Policy is to help the University to ensure that events involving external speakers do not take place in circumstances where there are reasonable grounds to believe that:

- i. The law will be broken or that there will be incitement to break the law.
- ii. A breach of the peace will occur or that there will be incitement to breach the peace.
- iii. The event is in support of an organisation whose aims and objectives break the law.
- iv. A speaker or attendees may be unable to enter or leave the building safely.
- v. A speaker may not have the freedom within the law to speak without significant disruption.
- vi. The event would not be in the interests of public safety.
- vii. The event would cause significant disruption or compromise to the normal business of the University.

All events involving external speakers held under the auspices of the University or otherwise associated with the University, regardless of whether they are held on University premises or elsewhere.

Who is this for?

This Policy applies to:

- i. All students, staff, contracted staff and governors of the University.
- ii. All external speakers and members of the public who attend events at the University.

How does the University check this is followed?

Organisers of events involving external speakers will be advised of this Policy and its requirements. Any identified breaches of the Policy will be reported to the Safeguarding Board and, if deemed material, to the Audit and Quality Committee of the Board of Governors.

Who can you contact if you have any queries about this document?

Director of Corporate Governance or Head of Governance Services by emailing corporate-governance@port.ac.uk.

1. Introduction

1. The right to freedom of speech is fundamental to the purpose, role and remit of universities and is enshrined in law. However, rights must always be balanced with responsibilities and the right to free speech is not open-ended or absolute. Exercising freedom of speech does not allow an individual to break the law, imperil national security and public safety, or to breach the lawful rights of others.
2. The University of Portsmouth (hereinafter 'the University') has legal and ethical responsibilities to act proactively to ensure that freedom of speech is exercised within the law and in an environment of tolerance and respect for others and for their views and beliefs. This Policy serves to help to ensure that these responsibilities are met.

2. Definitions

3. The following definitions apply for the purposes of the Policy:
 - a) 'External speaker' refers to people who are not students, staff or governors of the University, who have been invited to speak at an event for purposes that are not a designated part of a University curriculum, research activities or academic offer. This definition also encompasses pre-recorded, streamed or broadcast materials from a speaker.
 - b) 'Event' refers to any assembly or meeting of people held on University premises or elsewhere that is not held for the purpose of collective religious worship. This definition also encompasses assemblies or meetings to receive contributions that are pre-recorded, streamed or broadcast from other locations.
 - c) 'University premises' refers to all premises owned, leased or used by licence or permission by the University, including premises occupied by the Students' Union.
 - d) 'Members of the public' refers to individuals who are not students, staff or governors of the University.
 - e) 'Protected characteristic' refers to the characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation that are protected from discrimination by law.
 - f) 'The law' refers to the laws of England and Wales and the jurisdiction of the laws of England and Wales.

3. Purpose of this policy

4. The purpose of this Policy is to help the University to ensure that events involving external speakers do not take place in circumstances where there are reasonable grounds to believe that:
 - a) The law will be broken or that there will be incitement to break the law.
 - b) A breach of the peace will occur or that there will be incitement to breach the peace.
 - c) The event is in support of an organisation whose aims and objectives break the law.
 - d) A speaker or attendees may be unable to enter or leave the building safely.
 - e) A speaker may not have the freedom within the law to speak without significant disruption.
 - f) The event would not be in the interests of public safety.
 - g) The event would cause significant disruption or compromise to the normal business of the University.

4. Jurisdiction of this Policy

5. This Policy applies to:
 - a) All events involving external speakers held under the auspices of the University or otherwise associated with the University, regardless of whether they are held on University premises or elsewhere.
 - b) All students, staff and governors of the University.
 - c) All external speakers and members of the public who attend events at the University.
6. Failure to comply with this Policy may result in disciplinary and/or legal action.

5. Organisation of an event

7. Each event must have an organiser who is formally designated as the responsible person for the purpose of liaising with the University.
8. The organiser has a responsibility to:
 - a) Ensure that the event fully complies with the requirements of this Policy.
 - b) Provide the University with at least 21 days' notice of any event involving an external speaker.
9. If the event is managed and organised by a University department or recognised staff association then the organiser (who must be a member of University staff in such instances) should consider the questions in paragraph 12.
10. If an event involving an external speaker is to be held under the auspices of the Students' Union then the organiser must complete and submit an external speaker request form to the Students' Union. This can be found at <https://www.upsu.net/activities/committee-hub/events/external-speakers>. Upon receipt of the form, staff of the Students' Union will consider the speaker against the Students' Union External Speaker Event framework which can be also be found at <https://www.upsu.net/activities/committee-hub/events/external-speakers> and refer as appropriate to the University Prevent Officer and/or External Speakers Panel.
11. If the event is to be held on University premises by an external body then the member of University staff who signs the letter of authority for the premises to be used shall be regarded as the organiser and they should consider the questions in paragraph 12.
12. Before giving permission for any event to take place on University premises, or offsite if under the auspices of the University, the following questions should be considered. Are there reasonable grounds for believing that:
 - a) The proposed speaker has been previously barred from speaking at either this or another education establishment for expressing views that contravene the purposes of this Policy?
 - b) The proposed speaker or the theme or content of the event will contravene the purposes of this Policy?
 - c) The proposed speaker or the theme or content of the event is likely to attract attendance from individuals or groups that have previously been known to express views or to act in ways that contravene the purposes of this Policy?
 - d) There may be an intention to segregate the audience on the basis of any protected characteristic?
 - e) The event has been organised to raise or gather funds for any individual, organisation or cause that encourages, promotes or undertakes acts that break the law?

If the answer is 'yes' or there is uncertainty or further consideration required in relation to any of the above questions then a request to approve an external speaker or the theme or content of the event must be referred to the External Speakers Panel (see paragraphs 14 to 18 below).

If the answer is 'no' to all of the above questions and it is clear that there are no issues that require further consideration then the organisation of the event can proceed.

13. This list of questions in paragraph 12 above is not exhaustive and the University has the discretion to consider other factors. The University will also have the discretion to consult other parties and external information sources as part of its deliberations. In any event, the University should only take such action and make such decisions as it considers necessary and proportionate to the furtherance and fulfilment of this Policy.

6. External Speakers Panel

14. The External Speakers Panel shall comprise a Dean, the Chief Operating Officer, the Director of Corporate Governance and the Chief Executive of the Students' Union. If any of the Panel members are indisposed then a deputy shall be designated to act on their behalf.
15. The Panel will make a decision on whether the event can proceed and its deliberations will take into account whether there are reasonable grounds to believe that:
 - a) The law will be broken or that there will be incitement to break the law.
 - b) A breach of the peace will occur or that there will be incitement to breach the peace.
 - c) The event is in support of an organisation whose aims and objectives break the law.
 - d) A speaker or attendees may be unable to enter or leave the building safely.
 - e) A speaker may not have the freedom within the law to speak without significant disruption.
 - f) The event would not be in the interests of public safety.
 - g) The event would cause significant disruption or compromise to the normal business of the University.

This list is not exhaustive and the Panel will have the discretion to consider other factors. The Panel also has the discretion to consult other parties during its deliberations. In any event, the Panel should only take such action and make such decisions as it necessary and proportionate to the furtherance and fulfilment of this Policy.

16. The Panel may:
 - a) Give permission for the external speaker to participate in the event.
 - b) Give permission for the external speaker to participate in the event subject to stipulated conditions being met. These conditions will be those considered to be reasonable and necessary to ensure that the law will not be broken and to ensure the safety and security of people and property.
 - c) Decline permission for the external speaker to participate in the event.
17. The Panel may reconsider its decision at any time and may withdraw permission or apply additional stipulated conditions for the use of University premises if:
 - a) New factors or information come to light that if they had been known at the time would have resulted in a different decision by the Panel when the original request was considered.
 - b) There are reasonable grounds for believing that any conditions previously stipulated by the Panel concerning the participation of the external speaker in the event will not be met.

18. Decisions of the Panel shall be conveyed to the event organiser in writing. The Panel will nominate one of its members to undertake this responsibility.

7. Appointing a Chair for the event

19. A Chair shall be appointed by the organiser and fully briefed to facilitate the event. The organiser must ensure that the Chair is provided with either a copy of this Policy or its web address.
20. The Chair shall be appropriately experienced and appropriately trained. The University's External Speakers Panel may stipulate the extent of the experience and training required and may also require that an independent Chair is appointed.
21. The role of the Chair shall be to ensure that:
 - a) All members of the audience receive an equal opportunity to speak, debate or to ask questions.
 - b) Good conduct is maintained and that the principles of free speech and the law are upheld.
 - c) Audiences are not segregated on the basis of any protected characteristic.
22. If the law or the principles of free speech are contravened at the event then the Chair must issue warnings. If misconduct continues then the Chair must require the withdrawal or removal from the event of the individual(s) responsible for the misconduct. The event must be terminated by the Chair if misconduct does not cease or if the misconduct is sufficiently serious to prevent the event from continuing in a manner that would not compromise the requirements of this Policy.

8. Conduct of speakers

23. All external speakers must present their ideas and opinions in the spirit of debate and they must be receptive to challenge and questions from all members of the audience.
24. All external speakers must act in accordance with the law and must not breach the lawful rights of others. During the course of the event, no external speaker shall:
 - a) Break the law or incite others to break the law.
 - b) Incite intolerance, discrimination, hatred or violence.
 - c) Encourage or promote illegal acts or promote individuals, groups or organisations that undertake illegal acts.
25. These requirements are not exhaustive and the University reserves the right to terminate an event if it considers that a speaker will not conduct themselves in accordance with this Policy.
26. All external speakers are to be provided with a copy of this Policy or the relevant web link. Where deemed necessary by the External Speakers Panel, the external speaker will be required to confirm in writing that they have read and understood this Policy and that they agree to abide by its requirements. This confirmation must be submitted to the organiser of the event at least seven days in advance of the event.

9. Publicity materials

27. The University shall have the right to require that it is provided with copies of all publicity materials for the event. Anyone responsible for leaflets, posters, notices, signs or other literature associated with the event must ensure that these materials comply with the purposes of this policy and, in particular, that they do not create reasonable grounds for believing that their publication, distribution or posting will contravene the principles outlined in paragraph 4. This requirement applies to all publicity materials, including those that are printed and those that are posted online.

Failure to comply with this Policy and/or refusal to immediately cease to publish or circulate any publicity materials when requested by the University may result in disciplinary action and/or legal action.

28. The University will not allow leaflets, posters, notices, signs or other literature or materials that contravene the purposes of this policy to be circulated or posted on its premises or to be distributed under the auspices of any activity associated with the University. Failure to comply with this Policy and/or refusal to immediately remove or cease to circulate or post any such materials when requested by the University may result in disciplinary action and/or legal action. The University shall remove any such materials that are found on its premises.
29. The University's logo and other associated symbols and emblems shall not be used in publicity materials for any event without the written consent of the University's Marketing and Communications Department.

10. Disruption of events

30. It is a disciplinary offence for any person to organise, assist or engage in conduct that disrupts an event held on University premises. Such conduct may result in disciplinary and/or legal action.

11. Reporting of disturbances

31. Should any disturbance arise from an event involving an external speaker then the organiser must report this to the External Speakers Panel as soon as practically possible and no later than 48 hours after the event.

12. Use of University premises

32. All events involving external speakers at the University must be held in a location that has been booked in accordance with the University's policies and procedures for booking University venues.
33. The University will not unreasonably refuse to allow events to be held on its premises but has a duty to ensure that events are conducted in compliance with the law, including health and safety legislation. Events that cannot demonstrate full compliance with the requirements of the law will not be permitted on University premises. Requests to use University premises may also be declined if a suitable location for the event is not available.
34. The University has the discretion but has no legal obligation to allow meetings or events held on its premises to be open to members of the public. The University shall have the right to require that it is provided in advance with a list of all attendees for the event and also has the right to require that events held on its premises should be ticketed.
35. The University shall have the right to refuse entry to those attending the event if they bring onto University premises items that it deems to be:
 - a) Provocative or offensive in nature.
 - b) Designed or have the potential for use to cause injury to people or property.

13. Events held on other premises

36. This Policy applies to all events involving external speakers held under the auspices of the University or otherwise associated with the University, regardless of the location of the event. It should be noted for the avoidance of doubt that holding an event at an external venue does not enable this Policy to be circumvented. Failure to comply with this Policy may result in disciplinary action

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