

UNIVERSITY OF SOUTH WALES

SPEAKER POLICY

1. WHY A SPEAKER POLICY IS NEEDED

- 1.1. Free speech is fundamental to the role of universities as places where new ideas can be advanced and where open and free debate can and must take place. Section 43(1) of the Education (No 2) Act 1986 places a direct obligation on universities in England and Wales to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'. This obligation extends to ensuring 'so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.'
- 1.2. The Act also requires universities to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with the organisation of meetings and activities, and the conduct required of them.
- 1.3. Freedom of speech must be within the law. It is a criminal offence to speak or behave in a threatening, abusive or insulting way in circumstances where it is likely, or intended, that hatred will be stirred up against groups or individuals on the ground of their race, gender, ethnicity or national origin, religion or belief, sexual orientation or disability. The University can be held liable if it allows this to happen on its premises.
- 1.4. The Home Office proscribes certain organisations if they believe they are connected to terrorism. It is a criminal offence to belong to or invite support for a proscribed organisation. The University must therefore not allow anyone representing or associated with one of these organisations to speak on university premises or at any of its events including virtual events.
- 1.5. The Counter-Terrorism and Security Act 2015 requires specific authorities, including HEIs, 'to have due regard to the need to prevent people from being drawn into terrorism'. This is spelt out in the Government's PREVENT Duty Guidance, to which the University must be compliant.
- 1.6. The University is required to have due regard to the need to prevent discrimination, harassment and victimisation, and can be liable for the harassment of its staff by third parties such as external speakers. The Equality Act 2010 prohibits unlawful discrimination in relation to certain 'protected characteristics', namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race,

religion or belief, sex and sexual orientation.

- 1.7. The University could be involved in a civil law suit if it allows a speaker to defame another person.
- 1.8. The University has a duty to ensure as far as reasonably practicable the health, safety and welfare of its employees, and that its activities do not expose persons not in its employment to health and safety risks. Such risks can occur if a controversial speaker attracts large-scale or unruly protest.
- 1.9. In addition to legal considerations there may be cases where the University needs to have regard to the risk of:
 - 1.9.1.1. unwanted media attention and/or extensive social media activities
 - 1.9.1.2. damage to its property
 - 1.9.1.3. disruption of its normal activities
 - 1.9.1.4. disturbance to students in their work
 - 1.9.1.5. adverse effects on the University's reputation and relations with the wider community.
- 1.10. In compliance with Home Office regulations, non UK Nationals must evidence appropriate visa/immigration status before being engaged by university staff to speak at a University event.

2. STATEMENT OF POLICY

The University of South Wales has, outlined in its Freedom of Speech Code of Practice the principle of freedom of speech within the law and the necessary limits that must be placed on it for the sake of the safety and welfare of its staff, its students and the general public. This Policy applies to Employees of USW and PSS Ltd equally.

In the light of this, and of the legal and other considerations outlined in Section 1 above, the University is committed to monitoring all events and activities that include the contribution of external speakers.

3. DEFINITIONS

- 3.1. 'External' means anyone who is not a student or staff member of the University, or any staff member of the University invited to speak at an event not directly related to his/her post, other than staff who are official USW designated Union representatives speaking at USW meetings.
- 3.2. It includes any external person invited to participate in normal curricular teaching within a Faculty, or training or advice within a Department, or as a guest speaker at a University, Faculty or Departmental official function authorised by a senior manager or

Dean (see 4.5 below). In such cases the relevant senior manager* or Dean should complete the Form on the Engage Web Tool to register the speaker/event. If the speaker is invited on a regular basis, their name may be kept on a Faculty or Department registered speakers list on the Engage webtool if agreed by a senior manager or PREVENT Link with no need for repeated registration for up to three years unless there is any change in the speaker's status or credentials.

- 3.3. Faculties and Departments are permitted to maintain registered speaker lists on the Engage Web Tool, administered by PREVENT Links for regular contributors in line with 3.2 above.
- 3.4. 'Speaker' includes anyone invited to deliver a lecture, speech or sermon, or to take part in a panel discussion. It also includes the recording or audio-visual streaming of a speaker, or the showing of a film that is designed to promote a particular point of view. This also includes any external speakers engaged to speak remotely or events which are held remotely.
- 3.5. The PREVENT link within each faculty or department is defined as the person appointed to initially deal with any freedom of speech issues and with External Speaker applications. There will be a designated PREVENT link in every faculty, department, the Students' Union, the recognised Trades Unions and in Partner organisations and institutions. (see PREVENT Protocol)
- 3.6. The PREVENT Lead is the person appointed by the University to be the external and internal single point of contact (SPOC) who has particular responsibility for advising staff on PREVENT related issues and for coordinating and leading a University response should a concern arise. (see PREVENT Protocol)
- 3.7. The Principal person is defined as the person taking responsibility for the event either organised by themselves or by others and who will ensure that University policies and procedures are adhered too:
 - 3.7.1. for non UK nationals appropriate visa/immigration permissions have been evidenced prior to the engagement of the speaker (please note that not all EU nationals have the right to work in the UK). Staff should liaise with the Immigration and International Student Advice team (IISA) <https://intadvice.southwales.ac.uk/contact-us/>
 - 3.7.2. all speakers complete a Prospective Speaker Declaration, which is then uploaded to the Engage web tool.

**Senior Manager is defined for this purpose as Deputy Head of School and above in Faculties, and Heads of Department in Professional Services.*

4. PROCEDURES

- 4.1. Each Faculty and Department, including the Students' Union, has a designated person as the PREVENT Link. This person links with the University PREVENT Lead (SPOC).
- 4.2. An event involving an external speaker may be organised by a Faculty or Department, a member of staff, the Students' Union, the Chaplaincy, or a recognised Trades Union. If organised by any other individual or group, it must be sponsored by one of these and the sponsor will ensure that the Principal Organiser carries out their duties as defined in 3.6 above.
- 4.3. If the organiser or sponsor is satisfied that the event carries a low risk with regard to 1.3-9 above, they must complete an event form on the Engage web tool before publicising the event, the Engage web tool records this in the university's Speaker/Event booking data base. They will then be fully responsible for the decision to hold the event.
- 4.4. If the organiser or sponsor believes there is any potential risk with regard to 1.3-9, constituting a potential higher risk higher risk a speaker event form should be submitted not less than 21 days in advance of the event. The Engage webtool will then escalate the event/speaker request to a PREVENT Link. Individuals should not proceed to advertise their speaker/event until confirmation is received from the Prevent Link or the Prevent Lead. If the organiser is unwilling to take full responsibility for the decision to hold the event, they must complete the External Speaker/event form on the Engage web tool at least 21 days in advance, and using the tool escalate the matter to their PREVENT Link for a decision.
 - 4.4.1. (if requested) copies of any literature, posters etc. that are to be used in publicising the event
 - 4.4.2. (if requested) samples of any materials (leaflets, CDs, free gifts etc.) that will be made available to those who attend the event
 - 4.4.3. a signed copy of the Proposed Speaker Declaration indicating that the speaker understands and accepts the University's requirements, must be uploaded to the Engage web tool.
 - 4.4.4. The organiser should then await confirmation from the PREVENT Link before publicising or proceeding with the event.
- 4.5. After submitting the form, the applicant must:
 - 4.5.1. inform the Faculty/Department PREVENT Link of any subsequent changes of plan or further publicity material issued
 - 4.5.2. include the Faculty/Department PREVENT LINK as a recipient of any promotional activity of the event through e-mail or social media
 - 4.5.3. inform the Faculty/Department PREVENT LINK of any relevant new information that may come to light about the proposed speaker(s)/event.
- 4.6. Members of staff are free to invite speakers from outside the University to speak as part of their teaching programme, to assist or advise staff members in the performance

of their work, to speak at a USW recognised Union meetings or to speak at an official function approved by a senior manager or Dean. In any event the Speaker/Event form on the 'Engage' web tool should be completed. The External Speakers procedure must be followed if the topic is (a) outside the normal field of the staff member, or (b) likely to be controversial or (c) raises concerns related to 1.1- 1.9 above. In case of doubt the person organising the event or receiving the booking request should consult the relevant Faculty or Departmental PREVENT Link or the University PREVENT Lead (SPOC).

- 4.7. The PREVENT link receiving the application for an External Speaker shall consider the application, consulting as appropriate with the Principal Organiser and other interested parties, and either agree that the meeting can take place or otherwise. The decision shall normally be made within 5 working days of receipt of the application and shall be recorded in writing.
- 4.8. On receiving an application the PREVENT Link may make an immediate decision if s/he considers it uncontroversial. If there is any doubt, the application must be discussed with, and/or referred to the University PREVENT Lead (SPOC).
- 4.9. The University PREVENT Lead (SPOC) may, before making a decision, call an ad hoc advisory group, and/or refer the matter to the University Secretary for Compliance for final decision.
- 4.10. In the event that permission is refused, reasons will be provided by the University Secretary.
- 4.11. Permission may be given for the external speaker to be placed on the approved speaker list which will mean that they Prevent Speaker Declaration is valid for 3 academic years as long as their all of the additional events at which the external speaker is to speak are recorded using the Engage web tool
- 4.12. Where permission to hold the event is granted, the PREVENT link, the Prevent Lead or the University Secretary may stipulate any conditions that they consider necessary. Such conditions may include but are not limited to:
 - 4.12.1. The determination of the date, format, length and venue of the event
 - 4.12.2. How the event is to be advertised.
 - 4.12.3. Eligibility for admittance to the event, including the requirement that ID is produced, and the admittance or non-admittance of members of the public.
 - 4.12.4. Arrangements for admittance by ticket only.
 - 4.12.5. A requirement that a list of attendees at the event is provided in advance.
 - 4.12.6. The determination of the method of access and departure of the participants and speaker(s).
 - 4.12.7. The attendance as necessary by specified members of the University, security personnel and/or other suitable stewards who will be present to maintain order.
 - 4.12.8. The refusal or admission of press, radio or television to the event.

- 4.12.9. Restrictions on, for example, the consumption of alcohol at the event and/or the food, drink and other items that may be taken into the event by participants.
 - 4.12.10. The requirement that a person is appointed to chair the event with a duty, as far as possible, to ensure that participants act within the law, and with the power to require the removal of participants or to close or suspend the event if, in his/her view, order cannot be maintained and/or the safety of the participants is in jeopardy.
 - 4.12.11. The requirement that a member of the Students' Union Executive is the designated Principal Organiser.
 - 4.12.12. A requirement that the event be recorded.
 - 4.12.13. The changing of the status of the event from private to public or, if it is private, that representatives appointed by the University be present.
5. Where permission for an event is granted, the Principal Organiser and all other persons connected with the organisation of the event must comply with any conditions upon which the booking has been agreed. They also have a general duty to ensure that the principles set out in Freedom of Speech Code of Practice, The PREVENT Protocol and this policy are observed, and that nothing in the preparations for, or conduct of, the event infringes the law.
 6. Responsibility for the cost of any additional security arrangements deemed necessary shall be agreed in advance of the event. The cost shall normally be the responsibility of the Principal Organiser who will in any case be responsible for confirming that appropriate funding is available.
 7. No meeting or activity to which an external speaker is to be invited may be advertised or may take place prior to receipt of written permission.
 8. In the light of changed circumstances or factors not known at the time of application, or if the officer responsible for the decision to allow it is not satisfied that adequate arrangements are in place to maintain good order, s/he may withdraw permission for the event to take place, or amend the original conditions.
 9. Where permission to hold the event is refused or withdrawn, the Principal Organiser may appeal, in writing, to the University Secretary, giving full details of the grounds for appeal. Any appeal must be made before the date for which the meeting was originally scheduled. In the event of an appeal being upheld the Principle Organiser may need to negotiate a new date for the meeting with the University Secretary's Office. The decision of the University Secretary or his/her nominee is final and shall be reported to the Vice-Chancellor and Board of Governors.

The University will monitor the number of external Speaker applications and refusals.

10. IMPLEMENTATION

- 10.1. All departments dealing with room bookings (i.e. faculties, the online booking system, the Students' Union, the Chaplaincy and the Conference Centre) should include in their processes a mechanism by which any events that could be subject to the External Speaker procedure can be recognised and appropriate action taken.
- 10.2. All applications and the decisions taken, including where applicable conditions for approval or reasons for refusal must be recorded.
- 10.3. Any member of University or Students' Union staff who suspects that an external speaker event is being planned without approval being sought has a duty to act. This may be an informal approach to the organisers to ensure they are aware of this External Speaker Policy, or if necessary reporting the matter to the appropriate PREVENT Link or PREVENT Lead.
- 10.4. Any student or staff member in deliberate non-compliance with the procedures set out in this Policy may be subject to disciplinary action.
- 10.5. If University premises are booked by an external body, those responsible for the arrangement should ensure that the terms of the booking allow the University to exercise a right of withdrawal if necessary to comply with any legal requirements.

REVIEW

<u>Title: Events and Speaker Policy</u>				
<u>Issue Date</u>	<u>Revision Description</u>	<u>Owner</u>	<u>Approved By & Date</u>	<u>Next Review Date</u>
<u>23/11/2015</u>	<u>First Issue</u>	<u>Director of Chaplaincy Services</u>	<u>Governors November 2015</u>	<u>December 2018</u>
<u>27/11/2017</u>	<u>Second Issue – updated practice</u>	<u>Director of Chaplaincy Services</u>	<u>Governors 27/11/2017</u>	<u>December 2020</u>
<u>May 2018</u>	<u>Revised updated practice</u>	<u>Director of Chaplaincy Services</u>	<u>Governors May 2018</u>	<u>May 2021</u>
<u>November 2020</u>	<u>Revised for Engage Webtool</u>	<u>Director of Chaplaincy Services</u>	<u>Governors November 2020</u>	<u>November 2023</u>
<u>November 2021</u>	<u>Revised updated practice</u>	<u>Director of Chaplaincy Services</u>	<u>Governors November 2021</u>	<u>November 2024</u>