

Lancaster University Students' Union Policy on Events Involving External Speakers

1. Definitions

- 1.1 **External Speaker** is defined as any individual or organisation who is not a student or staff member of Lancaster University or of its Students' Union. Trainers and coaches are vetted when their contracted is submitted to the Students' Union.
- 1.2. **Student Group** refers to any Affiliated Sports Club or Society Group, Student-led Project, JCR or representational group affiliated to the Students' Union. Clubs and societies are independent bodies set up by students and run by them. These bodies can affiliate to the Students' Union under the Constitution. They are not integral parts of the Students' Union, however the Students' Union regulates the activities of these affiliate bodies in line with Code of Practice with the University and its own Constitution and bye laws, in particular to ensure health and safety and proper financial procedures.

2. Duties and Commitments of Lancaster University Students' Union

- 2.1 Freedom of expression and speech are basic human rights and are protected by law as written in The Human Rights Act 1998¹. 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 duty 'within the law' 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
- 2.2 The University and the Students' Union owe duties to both staff and students under the Equality Act 2010², and in some respects these duties can extend to the activities of external speakers. The Act 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. The Students' Union has a duty to secure freedom from, discrimination and/or abuse for students and communities.
- 2.3 Open debate is central to the culture of academic freedom and the development of students ideas and understanding. The Higher Education Act 2004³ puts a duty on Universities to protect academic freedom, however, it is worth noting that beyond the freedom of speech provisions, the legal framework does not extend academic freedom to the activities of visiting speakers.
- 2.4 "Section 26(l) of the Counter-Terrorism and Security Act 2015⁴ imposes a duty on "specified authorities", when exercising their functions, to have due regard to the need to prevent people

¹ <http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/1/chapter/9>

² <http://www.legislation.gov.uk/ukpga/2010/15/contents>

³ <http://www.legislation.gov.uk/ukpga/2004/8/contents>

⁴ <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted/data.htm>

from being drawn into terrorism.”⁵ The Students’ Union has a duty to adhere to and apply Lancaster University’s Code of Practice on Freedom of Speech which reinforces this.

- 2.5 It is important that charities are transparent and that trustees have appropriate monitoring procedures in place. Charitable donors are entitled to have confidence that their money is going to legitimate causes and reaches the places it is intended to. Charity trustees have a legal duty to ensure they and their charity comply with UK laws including counter-terrorism laws.⁶
- 2.6 Where there is a potential for the above rights of our members to come into conflict in relation to controversial speakers, the Students’ Union is committed to collaboration that will allow the Students’ Union to reach sound, evidenced judgements about the organisation or person in question and that allows the Students’ Union to meet its various legal obligations.
- 2.7 The President of the Student Group organising any event is responsible for the activities that take place within their events. They will be informed, through the compulsory Duty of Care session, of their responsibilities to inform the Students’ Union of any external speaker they plan to invite and to communicate the External Speaker Briefing Agreement to all external speakers.
- 2.8 Lancaster University Students’ Union’s charitable objectives include “providing ... forums for discussions and debate for the personal development of its students”⁷
- 2.9 “The Students’ Union and its staff and officers acknowledge certain responsibilities to the University, including not to bring the name of the University into disrepute. The Students’ Union and its staff and officers confirm that, in dealing with third party organisations, they will ensure there is clarity about the extent to which agreements and statements made by or on behalf of the Students’ Union do or do not entail an agreement with the University.”⁸
- 2.10 During regulated periods connected to elections, both the Students’ Union and the University are bound by the Lobbying Act 2014 and Political Parties Elections and Referendum Act 2000.
- 2.11 As both Union and affiliated group activity is undertaken in University facilities, the Students’ Union is bound to follow University rules regarding booking of rooms and engagement of external speakers.
- 2.12 The above duties and responsibilities are not limited to on-campus activity: it includes The Sugarhouse and other external LUSU premises as well as all activity of any student group activity happening off campus.

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445916/Prevent_Duty_Guidance_For_Higher_Education_England_Wales_.pdf

⁶<https://www.gov.uk/government/publications/charities-and-terrorism>

⁷<http://the Students’ Union.co.uk/about/what-we-do/>

⁸<http://the Students’ Union.co.uk/wp-content/uploads/2013/08/A1-Code-of-Practice-between-Lancaster-University-and-Lancaster-University-Students-Union.pdf>

3. Procedure

- 3.1 Student Groups must notify the Students' Union of any events that involve external speakers (as defined in this policy) through the following procedures.
- 3.2 The Students' Union reserves the right to insist upon measures they believe mitigate above risks or 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.
- 3.3 Student Groups must complete the Speaker Request Form⁹ at least ten working days, as defined by the University calendar, before they plan to promote the event. No event involving any external speakers may be publicised until the speaker has been cleared through the appropriate procedures as provided in this policy.
- 3.4 The Students' Union's External Speaker Request Form requires event organisers to provide:
- 3.4.1 Location of the intended event
 - 3.4.2 Purpose/intent of the event
 - 3.4.3 Expected number of attendees
 - 3.4.4 Confirm whether the event will be a member only, invitation only event or open to the general public
 - 3.4.5 Confirm any external speakers' affiliations (specifically where they are political)
 - 3.4.6 Declaration of any knowledge of controversy attracted by the speaker or topic in the past
 - 3.4.7 Confirmation if the event and speaker are likely to attract media interest – if so why?
 - 3.4.8 Confirmation of website details (where relevant) providing further information on the speaker
- 3.5 Through the External Speaker Briefing Agreement, all speakers will agree to their responsibility to abide by the law and the various policies of the University and the Students' Union, including that:
- 3.5.1 The speaker must not incite hatred, violence or call for the breaking of the law
 - 3.5.2 The speaker is not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts
 - 3.5.3 The speaker must not spread hatred and intolerance* in the community and thus aid in disrupting social and community harmony
 - 3.5.4 Within a framework of positive debate and challenge seek to avoid insulting other faiths, identities or groups
 - 3.5.5 The speaker is not permitted to raise or gather funds for any external organisation or cause without express permission of the trustees

The above also applies to all material the speaker distributes or displays at the talk.

*There is no specific law against hate speech itself in the UK. Legal protection is provided under various statutes: The Public Order Act 1986 forbids racial hatred against individuals of groups including colour, race, ethnic origin and nationality. This can include threatening behaviour and

⁹ <https://the Students' Union.wufoo.com/forms/mohvrdy1whrhtb/>

written material that is designed to cause harassment and distress. In 2006; The Public Order Act was amended to include religious hatred. In 2008, the Criminal Justice and Immigration Act amended the Public Order Act to forbid the incitement of hatred on the grounds of sexual orientation.

- 3.6 Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral for union disciplinary action either against the group or lead organisers.¹⁰
- 3.7 On receipt of the form the Students' Union's nominated staff will make an initial risk assessment which will be communicated to a committee with the delegated responsibility by the trustees for approving speakers and suggesting measures to mitigate risks. The staff responsible will receive regular training and briefing on controversial speakers
- 3.8 In making recommendations the committee will assess risk on the following basis:
 - 3.8.1 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
 - 3.8.2 The potential for the event going ahead to cause the Students' Union to be in breach of its equal opportunities policy
 - 3.8.3 The potential for the event going ahead to cause the Students' Union to fail in its wider legal duties
 - 3.8.4 The potential for the event going ahead to cause reputational risk to the Students' Union
 - 3.8.5 The potential for the speaker's presence on campus to cause fear or alarm to members of the student body
 - 3.8.6 The potential for the speaker's presence on campus to give rise to breach of peace
- 3.9 The Committee may make one of the following recommendations:
 - 3.9.1 On the basis of the risks presented to not permit the event with the external speaker to go ahead
 - 3.9.2 On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted
 - 3.9.3 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
 - 3.9.4 Refer the request to the University. The University Secretary is the Senior University Official with responsibility for external speakers on campus.
- 3.10 Any decision by the committee will be communicated back to the group within five working days of their request being acknowledged as received.
- 3.11 Regulatory steps designed to reduce risk may include:
 - 3.11.1 Requiring that the event be filmed
 - 3.11.2 Requiring that the event be observed by union, university or third party officials

¹⁰ <http://the Students' Union.co.uk/wp-content/uploads/2013/07/B2-DISCIPLINARY-PROCEDURE-BYE-LAW.pdf>

- 3.11.3 Requiring that the event be stewarded or subject to security on the door (at the expense of the Student Group hosting the event)
 - 3.11.4 Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
 - 3.11.5 Requiring that an event accessible to student group members only be opened to all members of the Students' Union
- 3.12 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
- 3.13 The University reserves the right to veto a decision of the Students' Union for an external person or group to speak on campus. In this instance the University will be asked to communicate the reasons for their decision in writing to the group making the request.
- 3.14 Where the student group in question disagrees with the decision made they shall have the right to appeal to the Appointed Senior Officer of the University if they have not already been involved in the process.