

1. Purpose

The University is committed to freedom of speech within the law. This policy for External Speakers has been developed to ensure that visiting (or external) speakers can enjoy freedom of speech through discussion, debate and challenge around their chosen topic whilst at the same time ensuring that the University complies with all relevant current legislation.

2. What is covered by the policy?

Section 3 of the Education (No. 2) Act 1986 places a statutory duty upon Higher Education Institutions (HEIs) to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for University members, students, employees, and visiting speakers. This statutory duty extends to all meetings and other activities on all University (including London & overseas) INTO Newcastle University and the Students' Union's premises.

This policy applies to all hosted or co-hosted Newcastle University branded events both physical and virtual either on or off University premises. References to "University premises" include premises which are owned by the University, premises which the University does not own but over which the University exercises some degree of control, and premises occupied by the Newcastle University Students' Union whether or not the University owns or has control of such premises.

This policy applies to events in the UK and overseas although it is acknowledged that laws will differ from country to country. In order to ensure consistency, Newcastle University has an external speaker booking procedure, an external speaker risk assessment and an external speaker code of conduct which have been created to work alongside this policy.

3. Who does the policy apply to?

This policy applies to all external speakers and those organising University, INTO Newcastle University and Students' Union events both physical and virtual, where such speakers will appear.

'External speaker' is the term used to describe any individual who is not a student or staff member of Newcastle University or INTO Newcastle University or the Students' Union invited as part of a Newcastle University organised or co-organised conference or event on or off campus (e.g. Public Lecture Series). An event is a special meeting with an external speaker or speakers that is not a planned part of the curriculum. The Organiser of the event must be a member of staff, or a student of the University or INTO Newcastle University or the Students' Union who will be responsible for ensuring compliance with the obligations placed upon them under this policy. The Organiser shall ensure that the appropriate information is provided on the booking form regarding the nature and topic of the meeting.

The Organiser will also ensure that there is a named person allocated to attending the event to ensure that the event passes without incident. This person must be a member of staff or a current student and the Organiser should be confident that this individual understands how to deal with any issues that may arise during the event (e.g. if the event is attended by significantly more people than planned, or there is disruption caused by the audience etc).

The Organiser must also follow the booking procedure outlined in section 7 before allowing an event to go ahead.

4. Roles and responsibilities

This policy identifies a number of key responsibilities and roles: those exercised by the Organiser, the Speaker, the Designated Officer, University Prevent Lead, Deputy Vice-Chancellor and Registrar.

5. Policy

Our policy and Code of Practice for Freedom of Speech is set in the context of the University's values and those of a democratic and inclusive society. The University expects speakers to respect these values and to be sensitive to its diverse and inclusive community. The University has to ensure that its staff and students are able to work, study and live in an environment free from unlawful intimidation, harassment or abuse. Hate crime and incitement to commit illegal acts will not be tolerated. The University also has a legal obligation when considering an external speaker to consider laws that exist to protect national security, public safety, the prevention of disorder and crime, and the protection of the reputation and rights of others. It has a particular legal responsibility arising from the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism. Any views being expressed, or likely to be expressed, must therefore not constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups.

This policy for external speakers does not set out to obstruct freedom of speech, but freedom of speech is not an unqualified privilege. There are restrictions which the University must consider. For example, freedom of speech does not allow the speaker to break the law or breach the lawful rights of others. The Code of Practice explains the responsibilities for those who organise external speaker events including a code of conduct for visiting speakers which must be provided to the speaker prior to the event.

6. Related regulations, statutes and policies

List and if possible provide links to any relevant regulations or policies

University's Code of Practice on Freedom of Speech is available at:

<http://www.ncl.ac.uk/media/wwwnclacuk/conferences/files/code-of-practice-for-freedom-of-speech.pdf>

Newcastle University has an external speaker booking procedure, an external speaker risk assessment and an external speaker code of conduct which have been created to work alongside this policy.

<https://www.ncl.ac.uk/conferences/bookings/external-speaker/>

<http://forms.ncl.ac.uk/view.php?id=9872>

The Students' Union also has an External Speaker Booking Process which forms part of the NUSU Room Booking Policy, it is available at:

<https://www.nusu.co.uk/getinvolved/sport/clubs/committee/>

7. Procedure to implement the policy

See Appendix One. The procedure may be updated from time to time without changing the policy.

8. Monitoring and reporting on compliance

What monitoring will be undertaken to determine how effectively the policy is implemented and where any results will be reported?

What will be monitored?	Frequency	Method	Who by	Reported to
External Speaker online booking forms.	as required	Review	Designated Officer (Darrin Beattie)	Internal Prevent Group/Registrar
NCL school organised External speakers events	as required	Review	HoS/HoU	Faculty Education Committee
NUSU organised External speaker events	as required	Review	NUSU Student Activities Manager (Mark Bennet)	NUSU Director of Membership and Democratic Services
INTO organised External speaker events	as required	Review	INTO Head of Faculties and Accommodation (Gareth McKay)	INTO Centre Director
Public lectures	as required	Review	Public Lectures and Events Manager (Umbereen Rafiq)	Executive Director of Corporate Affairs

Commercial requests	as required	Review	Conferences Office	Head of Hospitality and Commercial Services
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Twice a year the monitoring officers above will review a sample of “No risk” returned external speaker forms, for accuracy of submission and report their findings to the appropriate committee/group.

9. Failure to comply

Failure to follow this policy might result in disciplinary action.

Document control information		
Does this replace another policy? Yes. It puts the same policy with very minor changes approved by Council in 2016 into the new policy template.		
Approval		
Approved by:	Executive Board	Date: 9/10/18
Effective from:	1/11/18	
Review due:	31/10/23	
Responsibilities		
Executive sponsor:	Registrar	
Registrar		
Policy owner: (This maybe an officer or Committee)	Registrar	
Policy author:	Darrin Beattie, Designated Officer	
Person(s) responsible for compliance:	Darrin Beattie, Designated Officer	
Consultation		
Version	Body consulted	Date
Equality, Diversity and Inclusion Analysis:		
Does the policy have the potential to impact on people in a different way because of their protected characteristics? Yes		
The legal obligation to facilitate freedom of speech within the law may lead to occasions where speakers express views that cause offense and harm to some. Whilst the University expects speakers to respect its values and to be sensitive to the University’s diverse and inclusive community, it cannot require them to do so.		
Initial assessment by:	John Hogan	Date: 24/09/18
Key changes made as a result of Equality Impact Assessment		
These are already factored into the policy.		
Document location		
<i>(eg www.ncl.ac.uk/ XXXXX etc)</i>		

acknowledged that most external speaker requests will be straightforward and can be managed entirely by the school or unit organising the speaker; however, some may require consideration prior to the event taking place.

In considering whether or not to permit an event or activity to go ahead, the named Organiser will complete an external speaker booking form which will include a risk assessment. The risk assessment will ask:

- (i) Whether the speaker has previously been refused a platform to speak at Newcastle University or elsewhere?
- (ii) Whether the content or subject of the person's speech is likely to
 - a) infringe the rights of others, or
 - b) discriminate against others, or
 - c) incite racial hatred or constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups?
- (iii) Whether there are concerns that the speaker will not abide by the University's
 - a) External Speaker Policy
 - b) Dignity and Respect Procedure
 - c) Any other University policy?
- (iv) Whether there is any other information regarding the speaker that raises concern/potential risk .

When considering these questions it should be noted that some views expressed by external speakers may not be traditional or 'the norm'. They may be controversial and they may offend. This does not mean that people with such views should not be allowed to speak. Expressing strongly controversial or partisan views is not illegal unless those views are criminal, threatening, abusive, incite hatred or draw others into terrorism.

If the answer to all of the questions above is a clear 'NO' the activity or event can be rated as "green" and the Organiser can confirm the event in the normal way. The external speaker should be sent the External Speaker Code of Conduct prior to the event taking place.

Following the event the Organiser should report back any issues to the Designated Officer, (Darrin Beattie darrin.beattie@ncl.ac.uk or ext: 83448). If necessary a meeting will be held to share information internally and determine next steps.

Referral Process

If the answer to any of the questions above is uncertain or YES the activity or event should be rated as "amber" and the event Organiser must initially refer the issue to the Designated Officer, (Darrin Beattie (darrin.beattie@ncl.ac.uk or Ext: 83448) In an effort to balance the requirements of the Prevent duty and Freedom of Speech, the Designated Officer covers decisions regarding both this policy and the University's Code of Practice for Freedom of Speech. Any decisions will flow through the Designated Officer in the first instance. If needed the Designated Officer will further review the speaker and if necessary refer to internal colleagues and/or external partners or agencies. The event should not be advertised until this review has taken place.

If there is still doubt about the event or the speaker the Designated Officer may feel it is prudent to refer to the University Prevent Lead who can then seek further advice.

Where an event has been categorised as "amber" the University is committed to exploring all mitigating actions that are available in order to allow the event to proceed whilst abiding by the various legal obligations. The appropriateness of individual mitigating actions will depend on the specific event under consideration and the nature of the potential issues identified. They may include but are not limited to

1) Providing a written briefing for the speaker to agree to abide by. This would set out the University's expectations and its requirements of the speaker and how they should conduct themselves at an event. This may include any or more than one of the following examples:

- They must not encourage, glorify or promote any acts of terrorism, including any individual, groups or organisations that support such actions.
- They must not incite hatred, violence or call for the breaking of the law.
- They must not spread hatred and intolerance in the University community.

- They must be careful not to insult faith, racial or other groups.
- They are not permitted to raise or collect funds for any external organisation or cause without express permission of the University.

2) Requesting a script or précis from the speaker outlining what they intend to say and requiring them to sign an undertaking acknowledging that the speech will be terminated if they deviate from it.

3) Apply other conditions for example:

- Insist that the event is Chaired with the Chair being put forward by the University.
- Make the event ticketed only or specifying that attendees must show valid ID.
- Open the event up to the general public.
- Request a copy of the guest list for review before the event takes place.
- Place a restriction on the numbers attending or restrict the event to staff and students only.
- Enhance security arrangements including possible attendance by the Police or University Security team.
- Impose conditions on how the event is advertised.
- Include translations if the event is to be held in a language that is not understood by majority of staff and students.
- Make a translator available.
- Impose conditions on how the event is run.
- Agree that there is an alternative voice available e.g. making the event a chaired debate rather than a talk by one party.
- If the concerns are Prevent related, ask the Prevent lead to attend the event if there is a risk that the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups.

If, following further consideration the Designated Officer and Prevent Lead are still not sure about the event it will be referred to the University Registrar (or deputy) for a final decision.

Appeals

If the Organiser disagrees with the decision not to allow an event to go ahead because this decision breaches the Code of Practice for Freedom of Speech or new information on the speaker or their topic is available an appeal can be made.

Appeals will be considered by the Deputy Vice-Chancellor or the Pro-Vice-Chancellor appointed by the Vice-Chancellor to consider the appeal. The decision of the Deputy Vice-Chancellor or the Pro-Vice-Chancellor shall be final.

Infringements of the Code of Practice

The Designated Officer shall report to the Registrar (or deputy) on the circumstances of any significant infringement of, or departure from the provisions of this policy. Infringements of, or departure from the policy by staff or students, will render them liable to disciplinary action.