

# Canterbury Christ Church University

## PROCEDURES RELATING TO EXTERNAL SPEAKERS

### INTRODUCTION

1. The Procedures Relating to External Speakers (referred to below as 'the Procedures') set out the requirements relating to external speakers. The Procedures are to be read in conjunction with the [Code of Practice on Freedom of Speech and External Speakers](#) (referred to below as 'the Code').
2. In addition to these Procedures, there is an expectation those inviting external speakers make use of the [Event Management Procedures](#). The Event Management Procedures, and [supporting documentation](#), are intended to assist all staff and students at the University when organising events involving members of the public. Nonetheless, the Event Management Procedures offers best practice for any type of event. The University arranges training relating to event management.
3. The University recommends that those organising specified events consult the Equality and Human Rights Commission (EHRC) Guidance [Freedom of expression: a guide for higher education providers and students' unions in England and Wales](#).

### DEFINITIONS

4. The following definitions are used in the Code and the Procedures:

'Members of the University' means Governors, staff employed by the University and registered students of the University.

'Employees' means those currently employed or engaged, either for remuneration or otherwise, by the University itself or any other legal or charitable body associated or affiliated with the University. This includes visiting professors, visiting scholars, sessional members of staff and those engaged in a similar capacity.

'Students' means those registered full-time or part-time for any qualification or course of the University, or otherwise participating in any form of instruction provided by the University.

'Apprentices' means those following degree apprenticeship programmes at the University for qualifications at Level 4 or above, up to degree/masters level.

'Principal Organiser' means the person responsible for booking and/or hiring University premises for any meeting or other activity. This extends to responsibility for security arrangements connected with a particular meeting or activity, and for ensuring that such meeting or activity is properly organised.

'External speakers' means persons who are not students, employees or Governors of the University invited to speak at University events but their freedom of speech within the law is recognised.

'Controversial speakers' means those external speakers are known to hold contentious, even inflammatory or offensive, views

'University Premises' means any building, land or other space occupied either wholly or in part by the University, including any premises for the time being occupied by the Students' Union.

'Use of land or buildings of the University' means the holding of a public or private meeting or activity on University premises.

## **ORGANISATION OF A SPECIFIED EVENT**

### ***Nature of a Specified Event***

5. The following procedures are to be used when it is contemplated inviting an external speaker to a 'specified event'. The University distinguishes between those events that are part of the planned teaching and support activities (other than for apprentices) and those that are planned as being outside such activities.
6. A specified event is one
  - (a) involving an external speaker as defined above (except where this forms part of an organised University programme defined in paragraphs 9 to 11 below, which excludes apprentices); and
  - (b) where there is a potential for there to be a breach of this Code, following an assessment under paragraph 12 below, without a suitable risk assessment and appropriate mitigation being in place.
7. Any specified event is to be organised in accordance of the requirements of these Procedures.
8. The University Solicitor (or nominee) has the authority to decide, in consultation with Principal Organiser and other relevant individuals, whether any event is to be regarded as a specified event under the Code. Where there is any doubt about the classification of an event the Principal Organiser should consult the University Solicitor (or nominee) on the application of the Procedures.

### ***Arrangements for External Speakers as Part of a Programme at the University***

9. A member of staff inviting an external speaker to lecture, or to conduct a seminar or undertake another form of presentation, must consult the Head of School/Department, or nominee within the School/Department, in accordance with arrangements within the School/Department, where all the attendees are
  - (a) students (but not apprentices) registered on the taught programme at the University, where the lecturer is present throughout; and/or
  - (b) research students registered on any research programme, where a supervisor is present throughout; and/or
  - (c) employees of University.
10. The Head of School or nominee will determine whether the activity should constitute a specified event under this Code, and for the procedures set out below to apply. Where the activity is not determined to be a specified event, any record will be kept in accordance with any arrangements within the School for visiting speakers. There are no University recording requirements in relation to events involving external speakers which are part of the organised curriculum of University unless they are specified events.
11. It is expected very few events organised as part of a programme will be regarded as specified events. The exception is an event delivered to apprentices where all events are specified events. The circumstances under which it would be regarded as a specified event is where there is a potential for there to be a breach of this Code that following an assessment under paragraph 12 unless there is a suitable risk assessment undertaken and appropriate mitigation is put in place.

### ***Arrangements for the Organisation of a Specified Event***

#### ***Step 1 Appointment of a Principal Organiser***

12. The first step is to identify a 'Principal Organiser' for each event involving an external speaker. The Principal Organiser has responsibility for ensuring the request meets the University requirements. There is advice for Principal Organisers, together with supporting documentation, on the [Booking External Speakers](#) webpage.
13. In all aspects of the planning of a specified event, consideration is to be given by the Principal Organiser to the general duty relating to the freedom of speech and the specific duty relating to external speakers set out above. Appropriate training will be made available for Principal Organisers.

## *Step 2 Undertaking Due Diligence*

14. The Principal Organiser is to undertake due diligence, taking appropriate advice within and outside the University. The reason for undertaking due diligence is to identify factors that need to be considered in ensuring freedom of speech within the law, and to establish that the University would be acting within the law in inviting an external speaker, and to provide the basis for planning the event.
15. The following should be taken into consideration by the Principal Organiser to assess the actions required in preparing for and organising a specified event:
  - (a) the speaker has previously been known to express views that may be considered controversial as outlined in paragraph 2.4 of the Code, although it is to be recognised that views and opinions change, and consideration needs to be given to the timeliness of views; or
  - (b) the speaker has previously been prevented from speaking at another University or similar establishment, but the decision of another institution does not bind the University in its decision-making; or
  - (c) the proposed title or theme of the event presents a potential risk that views, or opinions expressed by speakers may be considered controversial; or
  - (d) the proposed speaker/theme is likely to attract attendance from individuals/groups that have previously been known to express views that may be considered controversial; or
  - (e) the extent to which there is a potential threat to the safety of the speaker or others, or to preventing the speaker from participating in the event.
16. It is important that potential issues are identified at the earliest opportunity. The Principal Organiser is expected to identify at an early stage any grounds for believing an external speaker may be controversial, and to make this clear when submitting the External Speakers Planning Form.

## *Step 3 Review of a request for an external speaker event*

17. To allow for timely arrangements, the Principal Organiser is to complete and submit the [External Speakers Planning Form](#), following appropriate consultation with any relevant Schools and/or professional services departments, to the Timetabling and Rooming team within Registry **at least four weeks in advance**. The Planning Form will be used by the University Solicitor (or nominee) to assess whether the speaker or event is likely to operate within the framework of the law, as well as the basis of planning the event. The Planning Form is central to the approval process.

18. The majority of event requests should be relatively straightforward, and confirmation of the request is made by the University Solicitor (or nominee) to the Principal Organiser within five working days of the request.

#### ***Step 4 Request for a specified event***

19. It is important to allow appropriate time to obtain relevant background information to enable an informed decision to be made on whether the specified event is likely to proceed and under what circumstances. Nonetheless, it is recognised there is a distinction between (a) making the decision in principle relating to the holding of a specified event and inviting an external speaker and (b) agreeing a specific time and date for the event according to the schedule of the external speaker.
20. The Principal Organiser is to inform the [Timetabling and Rooming](#) team of a specified event and whether the University Solicitor (or nominee) has been consulted.
21. Where Timetabling and Rooming consider that the specified event may involve a controversial speaker, the request will be passed for review to the University Solicitor, whether or not this has been identified by the Principal Organiser.
22. The purpose of the review is to assess whether mitigating actions are required and have been identified because the speaker has been identified as controversial. Confirmation of the request being received is made to the Principal Organiser within five working days of the request, including any conditions that apply to the event.
23. No specified event is to be advertised or held until approval has been given.

#### ***Circumstances under which reasonably practicable steps can be taken to protect lawful speech***

24. Promoting balanced debate and challenge at events can often reduce any legal risks as well as furthering the purpose of the freedom of speech within the law. Additional practical steps that can be taken to protect lawful free speech include:
  - challenging high-risk speakers with opposing views;
  - having an independent chair to facilitate an event and make sure a range of viewpoints can be heard;
  - filming an event to deter the use of unlawful speech;
  - putting additional security in place;
  - ticketing an event to avoid non-student violent protest;
  - requesting to see any promotional materials before the event;
  - setting out the principles of respectful discourse that speakers have to follow;

- supporting and encouraging the SU and student body to host debates;
- training staff on how to facilitate well-balanced debate; and
- postponing the event to enable one or more of the steps above to be taken.

### ***Circumstances under which an External Speaker Request might be refused***

25. There may be circumstances where, after full consideration of possible mitigating actions, there are grounds for the University Solicitor (or nominee), after consultation with the Principal Organiser and taking appropriate advice, to refuse a request for an external speaker. Normally the University will seek advice from external partners, such as the Department for Education Further and Higher Education Regional Prevent Coordinators. The University will only consider cancelling an event if there are no reasonable options for running it.
26. If a refusal is related to the date or timing of when it is proposed that an external speaker attends rather than the event itself, there is an expectation that the event will be rearranged to take place on a different date or a different time.
27. The circumstances under which a request for an external speaker will be refused include but are not limited to situations where:
- i. the University in its reasonable opinion considers that the speaker belongs to a proscribed organisation<sup>1</sup>;
  - ii. following appropriate information gathering, it is believed that the speaker intends to invite support for a proscribed organisation or its activities;
  - iii. having obtained and considered representations from relevant bodies within (e.g. from Security) or outside the University (e.g. the police or other security and emergency services), and following consultation with the Principal Organiser and the University Solicitor (or nominee), it is believed to be in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on University-controlled premises that the event should not take place;
  - iv. following appropriate representations from relevant bodies and consideration of available evidence it is concluded that reasonable steps cannot be taken to prevent the speaker from:
    1. expressing views that are contrary to law;

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<sup>1</sup> The list 'Proscribed Terror Groups or Organisations' is available at <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>.

2. encouraging, assisting or committing criminal acts;

3. putting forward views or ideas that unlawfully infringe the rights of others or breach the University's equality duties.

28. Where the request is refused, the Principal Organiser is to be advised of the reasons in writing, and the complaints procedure, within ten working days of receipt of the request.

#### ***Step 5 Room Bookings for an External Speaker Request for a Specified Event***

29. Any event to be held or to take place on premises managed by the University or [Christ Church Students' Union](#) (CCSU) requires prior booking through the appropriate agency in accordance with the booking requirements.
30. The Principal Organiser is to consult with the following as soon as possible before the proposed date of that event:
- i. the Security Manager, if there are security considerations; and/or
  - ii. the Corporate Communications Manager, if there is to be any University publicity for the event.

#### ***Step 6 Event Organisation***

31. In all cases, the Principal Organiser is to prepare a risk assessment for the specified event. Health and safety obligations need to be considered, particularly if there are concerns about the potential safety of individuals involved in a speaker event (whether they are speakers, students, staff or visitors).
32. Entry to specified events may be restricted following discussion between the Principal Organiser and University Solicitor for operational reasons. When control of entry is required, it may be by ticket, by invitation, by membership, by University identity card, or by other agreed means.
33. At specified events, the nominated Chair and the Principal Organiser are responsible, as far as is reasonably practicable, for ensuring that speakers comply with the law and with the Code and other University requirements.
34. In the light of changed circumstances, or factors unknown at the time of application, the University Solicitor may amend the conditions imposed, or require the cancellation of an event. In cases where there is a cancellation of an event, there should be consultation by the University Solicitor with the Vice-Chancellor's Office.

35. The University Solicitor may decide, in consultation with Principal Organiser and other relevant individuals, that specified employees of University, or others who are external the University engaged for the purposes of security, are to be present at a specified event. Where the event is organised by the Students' Union this is to be done in consultation with the Managing Director of the Students' Union or nominee.

#### ***Step 7 Review an external speaker decision on the basis of latest information***

36. Sometimes decisions may have to be reviewed on the basis of latest information or material changes occurring to the planned event, for example a change in speaker, increased risk of disorder or information from the police or community. This current information may determine whether the event is cancelled or whether further mitigating actions are required to address the new risks.
37. Principal Organisers are to notify Timetabling and Rooming of a material change to a specified event booking and any mitigating factors.

#### ***Record-keeping and Information Sharing***

38. A record of all specified events will be maintained by the Governance and Legal Services. The purpose is to demonstrate how decisions have been reached and to feed into the relevant data return as part of OfS Prevent annual accountability returns. Papers relating to the organisation of an event will be kept for two years after the event.
39. Governance and Legal Services will share information relating to specified events both within the University and externally where this is deemed appropriate and where possible using established mechanisms for the sharing of information. This includes any requests made under the Freedom of Information Act 2000.

#### **CONDUCT AT ALL EVENTS WHERE THERE IS AN EXTERNAL SPEAKER**

40. Every employee and student of the University has the obligation to refrain from any conduct or course of action that prejudices the lawful exercise of freedom of speech. It may constitute a disciplinary offence for any employee or student to:
  - (a) act in a disruptive or intimidatory manner for the purpose of preventing a speaker from being heard or preventing the discussion or transaction of any other business for which the event has been held; and/or
  - (b) to aid or encourage other persons in such actions.
41. Where any disruptive actions by members, employees or visitors involve alleged offences that may constitute breaches of the law, the University will assist the police in any subsequent criminal investigations and proceedings.

42. Employees and students of the University are required to comply with the requests of those organising the event. Such a request may include a requirement to leave the event.
43. Without prejudice to the right of peaceful demonstration, employees and students are not to obstruct access to or exit those attending, and not to aid or encourage other persons to cause such obstruction.
44. The Principal Organiser is to ensure, as far as is reasonably practicable, that conduct at the specified event is acceptable. The Principal Organiser has the authority to determine whether the event is to continue if the safety and wellbeing of individuals is put at serious risk through threatening, abusive or insulting words or behaviour.

#### **APPROVAL**

45. The Procedures Relating to External Speakers were approved by the Governing Body on 24 September 2019.
46. The Procedures will be reviewed every three years. The next review will take place in July 2022.