

Policy on External Speakers and Events

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**HERIOT-WATT UNIVERSITY
EXTERNAL SPEAKERS AND EVENTS POLICY**

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POLICY

1. INTRODUCTION

Universities UK states,

"Universities play an important role in society as places of debate and discussion. This role is underpinned by legislation which gives Universities' a legally defined role to secure freedom of speech and promote academic freedom. These legal principles reflect the fundamental belief in Universities as places where open and uncensored debate can and must take place, not least as a way of encouraging students to learn to think for themselves and develop their own opinions. Therefore, views expressed within universities whether by staff, students or visitors may sometimes appear to be extreme or even offensive. However, unless views can be expressed they cannot also be challenged.

It is by being places where ideas and beliefs can be tested without fear of control and where rationality underpins the pursuit of knowledge, that universities have come to represent one of our most important safeguards against views and ideologies that divide and undermine our open society." [Universities UK <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2013/external-speakers.pdf#search=External%20Speakers>]

However, the right to freedom of expression is not unlimited. Universities have a legal duty to ensure that staff, students and others who engage with it are protected from discrimination, harassment and victimisation, and that good relations between individuals are encouraged. There are restrictions, for example, imposed by laws that exist to protect national security and public safety. Those laws seek to prevent disorder or crime, protect the reputation and rights of others, and to prevent the disclosure of information received in confidence.

Freedom of expression has to be set in the context of the University's values and the values of a democratic and inclusive society. The University expects speakers to respect those values and to be sensitive to its increasingly 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.

2. PURPOSE

The purpose of this Policy is to set out arrangements for the management of those events which do NOT form part of the University's normal academic or administrative business.

3. OBJECTIVES

That the University can fulfil its legal obligations with regard to speakers and events, while maintaining at all times its commitment to freedom of speech and academic freedom.

To ensure that arrangements can be made to safeguard the safety of staff and students in the activity, and other people within the vicinity, and to ensure that the University's legal obligations are upheld.

Where the University, having considered all available information, reasonably believes that there is a demonstrable and serious risk that the speaker and/or those at an event may break the law, cause the University to breach its statutory

responsibilities– (including the need to prevent people being drawn into terrorism) - and/or is reasonably likely to pose a demonstrable and significant risk to the wellbeing of students, staff or visitors, it may require that certain conditions are met or, in exceptional circumstances, it may be compelled to refuse permission for the event to go ahead.

4. SCOPE

This Policy applies to all staff and students of the University, the Heriot-Watt University Student Union (HWUSU) and to any other person in attendance at any event which has been duly authorised under this policy.

This Policy applies to any event:

- that is organised by students or staff of the University;
- that is held under the umbrella of the University, including a student society, regardless of location; and
- that is not directly related to the University's normal academic or administrative business.

It must be noted that as the University operates internationally, both through its campuses in Dubai and in Malaysia and through arrangements with partners in other jurisdictions, the Policy shall include consideration of speakers and events in relation to such overseas campuses and shall pay due regard to non UK legislation that might be applicable. In particular the University shall ensure that its operations in Dubai and Malaysia meet any minimum statutory requirements of the host country. Where UK requirements are of a higher standard the University will also apply these where reasonably practicable.

5. LINES OF RESPONSIBILITY

The Secretary of the University has ultimate responsibility for:

- agreeing to the provision of University accommodation for a speaker or event and/or
- granting permission for the University to be associated with an event although s/he may delegate authorisation of events deemed to be low risk to the Director of Safety & Security Services.

In the absence of the University Secretary responsibility rests with the Director of Governance & Legal Services.

The University Prevent Group has responsibility for supporting the Secretary of the University with consideration of events or speakers deemed to be high risk in relation to the University's statutory duties.

The HWUSU has responsibility for the initial approval of external speakers or events which take place in the Student Union Building. Where the HWUSU recommend approval following their own policy and risk assessment, the proposal shall be considered by the University in accordance with this policy.

The Event Organiser is responsible for assisting the University in its statutory duties by:

- Informing the University of events they are organising;
- providing details of the event / speaker in a timely manner as required; and
- implementing any actions that may be required by the Secretary in order to ensure the event runs peacefully and lawfully.

The Room Booker is responsible for assisting the Event Organiser by submitting accurate and timely room booking requests to the relevant space owner, e.g. University Timetabling Unit (for events in centrally managed space).

The Head of the University Timetabling Unit, The “owners” of locally bookable space including HWUSU are responsible for:

- receiving room booking requests/event notifications;
- requesting further information from the Event Organiser as needed; and
- ensuring that requests/notifications are referred to Health & Safety and Security Services for assessment against a standard checklist.

Safety and Security Services are responsible for:

- authorising the event if assessed to be low risk in accordance with the Risk Assessment; and
- referring higher risk events to the University Prevent Group for further consideration.

Persons in attendance at events are responsible for:

- complying with the instructions of the Event Organiser.

6. MONITORING AND EVALUATION

The University Prevent Group shall monitor the effectiveness and workability of this policy.

All recommendations made by the University Prevent Group and decisions taken by the Secretary of the University will be recorded, together with a summary of the reasons given. An annual report on numbers and types of decisions taken will be submitted to University Court as part of the University's annual statement on compliance with the Counter Terrorism and Security Act 2015. An interim report may be provided to the Audit & Risk Committee of the Court.

7. IMPLEMENTATION

The Secretary of the University is responsible for ensuring the effective implementation of this policy. The University will ensure that implementation of this policy is supported by effective procedures and guidance, in addition to appropriate communications, training and awareness-raising measures, applicable to all parties.

8. INFRINGEMENTS OF THIS POLICY

The Secretary of the University shall report to Court on the circumstances of any significant infringements of, and departures from, the provisions of this policy. Infringements of, or departures from, the policy by employees, will render them liable to disciplinary action. If infringement is by a student they will be liable to disciplinary action and their actions may be regarded as an offence under the student discipline procedures. If infringement is by those hiring accommodation on University premises, there may be an immediate termination of the agreement to use the University premises.

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If any such actions involve potential breaches of the law, the University reserves the right to report these as it deems appropriate.

9. APPEALS

Event organisers may appeal against a decision to not let an event proceed. In such cases, the Event Organiser may make an appeal against that decision to the University Principal. The Principal's decision will be final.

10. RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE

Promoting Good Relations on Campus: a guide for higher and further education
Equality Challenge Unit, 2013

<http://www.ecu.ac.uk/publications/files/promoting-good-relations-on-campus.pdf/view>

Freedom of Speech on Campus: rights and responsibilities in UK universities
Universities UK, 2013

<http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2013/external-speakers.pdf#search=External%20Speakers>

Procedures and Guidance supporting the Policy:

- Legislative Framework
- The Lifecycle of an External Speaker request
- External speaker request for an event to take place in the Student Union Building
- Procedures for Higher Risks Escalated to the University Prevent Group
- Event Request Form

11. DEFINITIONS

Centrally Bookable University space – a collection of teaching, meeting and event spaces for which bookings, subject to approval by the relevant authorizing department, can be requested by all staff and students

Event – a planned public or social occasion. As identified above, only events which do NOT form part of the University's normal academic or administrative business are within scope of the policy.

Event Organiser – a current student or member of staff who is responsible for oversight and management of the planned event. Where the event involves a third party booking, there must be a nominated Event Organizer from within the University community. An event organiser must be a named individual.

External Speaker – an individual who is not a current:

- student;
- member of staff;
- member of University Court; or
- holder of an honorary position at the University

who is invited to speak at a University event.

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Held under the umbrella of the University – an event is deemed to be held under the umbrella of the University if:

- Regardless of who is organising it, it takes place on University-owned premises (including premises leased to HWUSU); or
- Regardless of where it takes place, it is organised in the name of the University or one of its departments, including University-supported groups such as HWUSU, affiliated student societies or HWU Sports Union.

Locally Bookable University space – a collection of teaching, meeting and event spaces for which bookings, subject to approval by the relevant authorising department, can be requested by staff and students associated/attributed to the department in question.

Statutory Responsibilities – the University's responsibilities with regard to events and speakers are governed by a wide range of legislative requirements including:

- The duty to have particular regard to the need to ensure freedom of speech, including its obligations under the Human Rights Act (1998);
- The duty to protect academic freedom (Further and Higher Education (Scotland) Act 2005);
- The duty to prevent people being drawn into terrorism (Counter Terrorism and Security Act 2015);
- The duty (Terrorism Act, 2000) not to arrange or assist in arranging a meeting in the knowledge that the meeting is to support the activities of a proscribed organisation, or is to be addressed by a person who belongs or professes to belong to a proscribed organisation;
- The duty to eliminate unlawful discrimination against certain groups, and advance equality of opportunity between groups, (Equality Act 2010) any gender segregation amounts to discrimination if it results in disadvantage to any participant because of their gender. This will include situations where men and women are seated separately;
- Obligations under criminal law eg with regard to use of threats, incitement of violence, inflaming religious or racial hatred;
- Obligations under charities law, ie whether the proposed activity is consistent with the University's charitable objects; and
- A general duty of care to students, staff and visitors, including avoiding placing students, staff or visitors in situations that may expose them to risks to their health and safety.

Room Booker - any member of staff outwith the University Timetabling Unit or who uses University systems to request a room booking for an event.

University Prevent Group – the University Prevent Group, chaired by the Secretary of the University has as part of its remit decision making:

- while upholding the fundamental importance of freedom of speech, and under only exceptional circumstances where the group has carefully considered the available information, the group shall use its discretion on whether to allow a controversial speaker to visit the campus, and on what conditions; and

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- for decisions related to controversial speakers to be articulated and recorder clearly, and to be made in relation to an established set of criteria.

12. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 2	March 2017	The Court	n/a

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