SMSU Freedom of Speech and External Speaker Policy

INTRODUCTION

Freedom of expression and speech are basic human rights to be protected and are protected by law. SMSU believes that open debate is central to the culture of academic freedom; it aids the development of students' ideas and understanding and is protected by an act of parliament relating to freedom of speech and academic freedom on campus. However, student safety and welfare is at the heart of SMSU's policies and practices and sometimes, the freedom to express views can be tempered by the need to secure freedom from harm for students and the university.

Where there is a potential for these rights to come into conflict in relation to controversial speakers, SMSU is committed to collaboration that will allow SMSU to reach sound, evidenced judgements about the organisation or person in question and that allows the charity to meet its various legal obligations.

1. SOCIETY ACTIVITIES

1.1. The President of a society organising any event is responsible for the activities that take place within their society's events.

1.2. All new societies must complete ratification procedures to ensure that they are free from any activities that can constitute as a risk to the Students' Union, University, students or staff. The Trustee Board will receive a list of new clubs and societies at each meeting.

1.3. All speakers will be made aware of their responsibility to abide by the law, St Mary's University and SMSU's various policies, including that:

a) They must not incite hatred, violence or call for the breaking of the law

b) They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts

c) They must not spread hatred and intolerance in the community and thus aid in disrupting social and community harmony

d) Within a framework of positive debate and challenge seek to avoid insulting other faiths or groups

e) They are not permitted to raise or gather funds for any external organisation or cause without express permission of SMSU

1.3. Societies must notify SMSU of any events that involve external speakers (defined as individuals or organisations that are not part of SMSU or the University) through these procedures.

1.4. No event involving any external speakers may be publicised until the speaker has been cleared through the appropriate procedures as provided in this policy.

1.5. SMSU reserves the right 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.

1.6. SMSU reserves the right to deny a platform to any individual who is deemed to act in a way that racist and fascist individuals and groups by debating them as part of the 'no platform' policy in the usual channels. It will be for the Trustee Board and/or SU Council to determine processes that reasonably identify individuals and members of groups that fall within the 'no platform' policy and where this judgement is made the event will automatically not be approved.

2. HANDLING EVENTS WITH EXTERNAL SPEAKERS

2.1. SMSU external speaker request form is required four weeks before an event is to take place and requires event organisers to provide:

a) Expected number of attendees

b) Confirm whether the event will be a member only, invitation only event or open to the general public

c) Confirm any external speakers' affiliations (specifically where they are political or religious)

d) Declaration of any knowledge of controversy attracted by the speaker or topic in the past

e) Confirmation if the event and speaker are likely to attract media interest – if so why?

f) Confirmation of website details (where relevant) providing further information on the speaker

2.2. Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral to the University in accordance with the Student Disciplinary Procedures.

2.3. On receipt of the form, the Student Opportunities Coordinator will check all speakers via website, social media and Google searches and look at the first three pages of results (if any results are found). This information will then be noted on the sheet including a link to the most relevant information about the speaker. The SMSU staff will receive regular training and briefing on controversial speakers and will liaise closely with student clubs and societies, religious and cultural groups and University security.

2.4. SMSU staff will refer any speakers that may require further exploration to the Membership Services Manager. They will provide 5 hyperlinks to the most relevant Google results for any speakers that are a cause for concern. All others will be considered to be approved.

2.5. The Student Opportunities Coordinator will then contact the President of the club or society within 10 working days of the receipt of the form to let them know that the speaker has been approved or referred.

3. REFERRED SPEAKERS

3.1. Any events with referred speakers will be investigated by the Membership Services Manager for decision by the Student Life President on behalf of the Trustee Board.

3.2. The Membership Services Manager will conduct a short investigation into the speaker and the event that, wherever possible, takes representations from the society related to the booking and if necessary from a wide number of student groups, university officials and external bodies.

3.3. In making recommendations they will assess risk on the following basis:

a) The potential for any decision to limit freedom of speech as per the University's Freedom of Speech Policy

b) The potential for the event going ahead to cause SMSU to be in breach of its Equality Policy

c) The potential for the event going ahead to cause SMSU to fail in its wider legal duties

d) The potential for the event going ahead to cause reputational risk to SMSU or the University

e) The potential for the speaker's presence on campus to cause fear or alarm to members of the student body, staff or visitors

f) The potential for the speakers' presence on campus to give rise to breach of peace

3.4. The Membership Services Manager may make one of the following recommendations

a) On the basis of the risks presented to not permit the event with the external speaker to go ahead

b) On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted

c) 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

3.5. Regulatory steps designed to reduce risk may include:

a) Requiring that the event be filmed by an independent body

b) Requiring that the event be observed by and SMSU staff member, university or third party officials

c) Requiring that the event be stewarded or subject to security on the door

d) Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view

e) Requiring that an event closed to society members only be opened to all members of SMSU

f) Requiring that a copy of any speech to be delivered by the speaker be submitted to the Membership Services Manager

3.6. The Membership Services Manager will consider any regulatory steps designed to reduce risk and their potential to cause risk (for example, the sense of oppression felt by the imposition of security on the door).

3.7. The recommendation will be put to the Student Life President who will make a decision that is routinely communicated to the Finance Audit and Risk Sub-Committee of the Trustee Board. Where members of the committee disagree with the decision they can call an extraordinary meeting in the usual way.

3.8. Where the club or society in question disagrees with the decision made they shall have the right to appeal which will be considered by the CEO. The club or society should notify the CEO of their decision to appeal within 5 working days of notification from SMSU. The Student Life President will review the decision and write to the President of the club or society within 5 working days of receiving a request to appeal.

3.9. An annual report on referred speakers will be produced by the Membership Services Manager for consideration by the Trustee Board.

3.10. Should a club or society feel that SMSU have acted inappropriately in dealing with a request for an External Speaker to come onto campus, then the Student Life President should refer to the SMSU Complaints Procedures and/or the SMSU Equality Policy.

4. DISCIPLINARY ACTION FOR SOCIETIES AND OFFICERS WHO INFRINGE SMSU POLICY

4.1. Where societies repeatedly avoid submitting external speaker request forms (or don't undertake the requirements of this policy in other ways), the SMSU Disciplinary Procedures will be used.

4.2. Similarly, Officer Trustees and/or Executive Committee members are subject to the same responsibilities as clubs and societies and are therefore subject to the same disciplinary procedures where they infringe SMSU policy.

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