

LSE Students' Union External Speakers Policy

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1. Definitions of key terms

An external speaker is defined as someone 'who is not a student or staff member at LSE or LSESU', this includes students from other institutions and Unions.

All events organised with external speakers in and outside of the Students' Union building/property are still within the responsibility and liability of LSE Students' Union. Events include (but are not limited to)

- Any event organised by an affiliated society
- Any event organised by a society or the students' union outside the union building (for example in the university, off campus, out of the immediate area, in another country)
- Events where external speakers are streamed live into an event, or a pre-recorded film is shown

2. Purpose

This policy sets out the responsibilities of London School of Economics and Political Science Students' Union (LSE Students' Union) in relation to managing the risks associated with external speakers at LSE Students' Union run events. It also sets out the procedures in place to monitor, examine and make judgements on the activities of students groups and their events.

3. Background

Freedom of expression and speech are basic human rights to be protected and are protected by law. Open debate is central to the culture of academic freedom, 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. That said student safety and welfare is at the heart of the union's policies and practices. As such, the freedom to express views can sometimes be tempered by the need to secure freedom from harm for students and communities. Where there is a potential for these rights to come into conflict in relation to controversial speakers, this union is committed to collaboration that will allow the union to reach sound, evidenced judgements about the organisation or person in question and that allows the union to meet its various legal obligations.

Since 2011 LSE Students' Union has been registered with the Charity Commission (CC). The CC is responsible for regulating charities in the UK. The Charity Commission (CC) undertook a number of visits of Students' Unions last year, and they have recently written to all students' unions to remind them of their duties as Trustees in relation to the management of external speakers and events.

The Charity commission would expect procedures are in place to monitor, examine and make judgements on the activities of societies and their events. They would also expect there to be opportunities for the Trustees to consider the range of legal responsibilities that are placed on them, including both the University's requirement to secure freedom of speech AND other legal considerations on the Trustees (such as the need to consider risk and follow union policy), when making judgements about what can or cannot happen in the name of or under the auspices of the union.

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

4. Duties and responsibilities

LSE Students' Union Trustee Board

- To ensure robust procedures are in place to monitor, examine and make judgements on the activities of societies and their events.
- LSE Students' Union Trustees have to take into account a range of duties and factors when making decisions about external speakers, including both their relationship with the university and their own legal duties as a registered charity.*
- LSE Students' Union 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.

Affiliated LSE Students' Union Societies

- The president of the society organising any event are responsible for the activities that take place within their society's events.
- Clubs and societies must notify the union of any events that involve external speakers (defined as individuals or organisations that are not part of the Union or the University) through these procedures.

External Speakers

- They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts
- They must not incite hatred, violence or call for the breaking of the law
- They must not spread hatred and intolerance in the community and thus aid in disrupting social and community harmony
- Within a framework of positive debate and challenge seek to avoid insulting other faiths or groups
- They are not permitted to raise or gather funds for any external organisation or cause without express permission of the trustees

5. Process

Below is the outline of the processes and procedures that are in place to manage the risks associated with external speakers at LSE Students' Union run events Students' Union

At LSE there are four different processes that are in place, these cover the different spaces in which Students' Union activity takes place. Please note that the Annual Fund projects are covered by the processes outlined below.

1. LSE Students' Union spaces (Saw Swee Hock Students Centre, Old Gym, Badminton Court and rehearsal spaces)

For LSESU event bookings the form now asks for students to provide the following information

- Expected number of attendees
- Confirm whether the event will be a member only, invitation only event or open to the general public
- Confirm any external speakers' affiliations
- Declaration of any knowledge of controversy attracted by the speaker or topic in the past
- Confirmation if the event and speaker are likely to attract media interest – if so why?
- Confirmation of website details (where relevant) providing further information on the speaker

On receipt of the form the Events team staff will check the backgrounds of speakers online. This information is then noted on the sheet including a link to the most relevant information about the speaker. The student events and activities staff will receive regular training and briefing on

controversial speakers and will liaise closely with student societies, religious and cultural groups and university security.

Referred speakers should be sent to the Head of Activities and Students Activities and Development Officer

2) LSE room bookings are covered by the LSE room booking policies and procedure. A copy of which can be found here

<http://www.lse.ac.uk/intranet/LSEServices/communications/conferenceAndEventsOffice/Room-Booking/SUSocieties/SU%20Society%20Room%20Booking%20Agreement.aspx> . LSE have final say over events in their spaces. All student led groups are trained on the LSE room booking policies and procedures through Students' Union online training before they are given room booking rights through LSE. The relevant part of our online training in relation to external speakers can be found here

<https://docs.google.com/forms/d/1DbHO2er0jDf3Qiew3TSbu3Z3BkzwZ4uyCfWjVVF0ffM/formResponse>

3) For events held at external venues/offsite our LSE SU societies and clubs have to fill in our LSESU Event forms and Risk Assessments. This includes a section on external speakers. The forms are checked twice a week by the activities team. On receipt of the form the student events staff will check the backgrounds of speakers online. This information is then noted on the sheet including a link to the most relevant information about the speaker. The Activities team will receive regular training and briefing on controversial speakers and will liaise closely with student societies, religious and cultural groups and university security. For rehearsal spaces, when the students book the space we ask them to flag any external speakers and follow the process as outlined above.

4) Events organised by external companies hiring our space are covered by their own policies and procedures, this is outlined in our terms and conditions for hire. The Fundraising Coordinating is responsible for checking all companies and organisations that book stalls and spaces to promote their products and services to our students. Music and event companies are asked to provide the union with a Metropolitan Police 696 Risk Assessment, which will highlight any problematic external speakers.

Referred speakers should be sent to the Head of Activities and Students Activities and Development Officer

6. Referred speakers

Any events with referred speakers will be investigated by the Head of Activities for decision by the Student Activities and Development Officer on behalf of the trustee board.

They will conduct a short investigation into the speaker and the event that, wherever possible, takes representations from the students society related to the booking and from a wide number of concerned student groups, university officials and external bodies.

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

- The potential for any decision to limit freedom of speech in pursuance of the 1986 Education Act

- The potential for the event going ahead to cause the Union to be in breach of its equal opportunities policy
- The potential for the event going ahead to cause the Union to fail in its wider legal duties
- The potential for the event going ahead to cause reputational risk to the Union
- The potential for the speaker's presence on campus to cause fear or alarm to members of the student body
- The potential for the speakers presence on campus to give rise to breach of peace

They may make one of the following recommendations

- On the basis of the risks presented to not permit the event with the external speaker to go ahead
- On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted
- 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
- Regulatory steps designed to reduce risk may include:
 - Requiring that the event be filmed by an independent body
 - Requiring that the event be observed by Union, university or third party officials
 - Requiring that the event be stewarded or subject to "security" on the door
 - Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
 - Requiring that an event closed to society members only be opened to all members of the Union
 - Requiring that a copy of any speech to be delivered by the speaker be submitted to the Union

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.

The recommendation will be put to the Student Activities and Development Officer who will make a decision that is routinely communicated to the Trustee Board. Where members of the Trustee Board disagree with the decision they can call an extraordinary meeting in the usual way.

Where the society in question disagrees with the decision made they shall have the right to appeal which will be considered by the General Secretary

Where students or student groups disagree with the decision made they shall have the right to submit a complaint in the usual way, a remedy to which shall be the option to consider the complaint an appeal as above.

An annual report on referred speakers will be produced by the Student Activities and Development Officer for consideration by the trustee board. This report will include information to help the Trustee Board to compare the Students' Union decision making over time.

Appendix 1 – Wider Legal Framework

In the case of a referral the Trustee Board will need to consider the following wider legal framework.

Section 43 The Education (No. 2) Act 1986 <http://www.legislation.gov.uk/ukpga/1986/61> and
Education Reform Act 1988 <http://www.legislation.gov.uk/ukpga/1988/40/contents>

The governing bodies of institutions have a legal duty (under Section 43 of the Education Act (No 2) 1986) to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers.

To do this an institutions' governing body are required to issue a code of practice and have a legal duty to "...ensure that the use of any university premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives..."

Students and visiting speakers are not covered and cannot invoke a legal right of "academic freedom" – this only applies to university staff and academics.

The rights to academic freedom and freedom of speech and expression are not absolute - they are freedoms "within the law". Consequently, the criminal and civil law also sets limits on the lawful exercise of these rights.

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Prohibits discrimination (including harassment and detrimental treatment) relating to religion or belief. This offers specific legal protection for the holding, manifestation and expression of religious and other qualifying beliefs.

Public Order Act 1986 – Violent, Threatening or Abusive Conduct and Speech
<http://www.legislation.gov.uk/ukpga/1986/64>

The rights to freedom of speech, freedom of expression and academic freedom are limited by criminal offences (defined by the Public Order Act 1986) including violent conduct or by speech or actions which threaten violence or cause fear, alarm or distress

Religious Hatred Act 2006 <http://www.legislation.gov.uk/ukpga/2006/1/contents>

Intent is a necessary ingredient of defining religious hatred offences (which is different to defining racial hatred) - it is not sufficient to show that religious hatred was likely to be stirred up in defining religious hatred.

The Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

Students' unions are not public authorities and thus are not directly covered by the duties of the Human Rights Act 1998

Appendix 2 – Relevant LSE and LSESU policies

In the case of a referral the Trustee Board will need to consider the following existing policies and procedures in place

LSE Society room booking agreement

<http://www.lse.ac.uk/intranet/LSEServices/communications/conferenceAndEventsOffice/Room-Booking/SUSocieties/SU%20Society%20Room%20Booking%20Agreement.aspx>

LSE Code of Practice on Free Speech

<http://www.lse.ac.uk/intranet/LSEServices/policies/pdfs/school/codOfGodPraFreSpe.pdf>

LSESU room booking training

<https://docs.google.com/forms/d/1DbHO2er0jDf3Qiew3TSbu3Z3BkzwZ4uyCfWjVVF0ffM/viewform>

LSESU Equality and Diversity Policy (not yet on website) Z:\Students Union\Membership Services\Student Activities\Policies\Final policies

LSESU Health and Safety Policy (not yet on website) Z:\Students Union\Membership Services\Student Activities\Policies\Final policies