EXTERNAL SPEAKERS PROTOCOL

May 2021

University of Dundee

University of Dundee

External Speakers Protocol

See Annex 1 for definitions used in this protocol.

THIS PROTOCOL DOES NOT APPLY TO PUBLIC ENGAGEMENT & MAJOR EVENTS OFFICE ACTIVITIES. ANY QUERIES RELATING TO SAID ACTIVITIES SHOULD BE DIRECTED TO THE PUBLIC ENGAGEMENT & MAJOR EVENTS TEAM.

INTRODUCTION

1. The University has a duty of care to provide a safe and supportive environment for all members of its community.

2. This protocol has been created to ensure that all External Speaker Requests (see Annex 1 for definition) are dealt with in a fair and reasonable manner with the best interests of the University community at the heart of decision making.

3. This protocol should be read in conjunction with the other University policies set out in Annex 6. It applies to all staff and students of the University and to any other person seeking to organise or attend an Event which is covered by this protocol.

4. The University is committed to the need to ensure freedom of expression. It also acknowledges the significance of academic freedom and human rights. Whilst these freedoms are important, they are not unqualified rights, which means it might be justified to interfere with these rights in certain circumstances.

PURPOSE OF THE PROTOCOL

5. The purpose of this protocol is to help the University to:

    * protect freedom of expression;
    * promote an environment in which members of the University community can feel safe, respected and protected from harm and abuse regardless of race, gender, disability, religion, sexual orientation, age or social background; and
    * consider and respond to External Speaker Requests relating to Events involving External Speakers that are (i) due to take place on University Premises (including DUSA); or (ii) organised in the name of the University.

WHO WILL CONSIDER AN EXTERNAL SPEAKER REQUEST?

6. The University's Safeguarding Advisory Group (SAG) will consider and decide upon External Speaker Requests.

7. A sub-group of the SAG will aim to meet within 48 hours of an External Speaker Request being referred to them for review.

8. The sub-group of SAG may meet as many times as considered necessary to fully review an External Speaker Request.

9. A minimum of three members of the SAG shall meet as the sub-group to consider and respond to an External Speaker Request. This must always include the Chair who will be present to provide support and legal advice.

Who will normally consider and respond to an External Speaker Request?

10. Normally External Speaker Requests will be considered by the following members of the SAG:

    - Director of Student Services or their nominee
    - Head of Campus Security
    - Head of Public Engagement & Major Events
    - Head of Equality, Diversity and Inclusion
    - Chair (the Director of Legal or their nominee).

    If one of the members listed above is not available to attend a meeting, then another member of the SAG will be required to attend in their place.

THE PROTOCOL

Making an External Speaker Request

What is an External Speaker?

11. An External Speaker is an individual who is not a University of Dundee student or staff member who has been, or is to be, invited to speak at a University of Dundee organised event. Events may be held on or off campus. They may also be held online.

Who should submit an External Speaker Request?

12. An External Speaker Request should be submitted by the Principal Organiser of the Event.

When should an External Speaker Request be made?

13. An External Speaker Request should be made for any University of Dundee organised Event which is to involve an External Speaker. For the avoidance of doubt, this Protocol does not apply to an event which is organised by the Public Engagement & Major Events team. For such events, you should contact that team directly.

14. The majority of External Speaker Requests will be straightforward and will be handled in terms of Stage 1 of this Protocol. However, in order to allow the University sufficient time to consider an External Speaker Request it should be submitted no less than 4 weeks before the planned date of the Event. Requests that are made less than 4 weeks before an Event will not be considered unless in exceptional circumstances.

How can an External Speaker Request be made?

15. The recommended way to make an External Speaker Request, to ensure that it is dealt with quickly, is by completing the online External Speaker Request Form. Alternatively you can email a form to safeguarding@dundee.ac.uk. A copy of the form can be found at Annex 4.

Rooms, conference and meeting facilities and any other venue managed by the University

16. To book a teaching or core meeting room or other space on the main University campus, the Principal Organiser should complete a room booking request form which can be found on the website here: https://www.dundee.ac.uk/roombookings/. When completing a room booking form, the Principal Organiser should ensure that they properly complete the section of the form relating to External Speakers and give as much information as possible about the speaker and the subject matter of their talk. In the event of there not being an option to give details of an External Speaker on the form, please email safeguarding@dundee.ac.uk to make the University aware.

17. Information about the University's conference and meeting facilities can be found on the website here: https://www.dundee.ac.uk/main/confacil/. A Principal Organiser who intends to arrange an Event to take place at one of these facilities must, when booking a venue, ensure that they make Conference Services aware that there is to be an External Speaker.

18. A Principal Organiser who intends to arrange an Event to take place at any University venue not covered in section 16. or 17. above must, when making a booking, ensure they make the University aware that there is to be an External Speaker. This can be done by completing the External Speaker Request Form or by emailing safeguarding@dundee.ac.uk.

19. If a member of University staff dealing with a room or venue booking and receives notice (via a booking form or in any other way) that an event is being organised that involves an External Speaker then they should ask the Principal Organiser to complete an External Speaker Request Form without delay .

Dundee Students Union and Bonar Hall

20. If a member DUSA staff is dealing with a room or venue booking and receives notice (via a booking form or in any other way) that an event is being organised that involves an External Speaker then they should forward the request to a member of DUSA Management or the DUSA President in the first instance.

21. DUSA Management or the DUSA President may approve a request, however, if they have concerns that an Event may be controversial, problematic or that the speaker may break the law they should request that the Principal Organiser completes and External Speaker Request Form.

22. If a member of DUSA management or the DUSA President is unavailable to consider an External Speaker Request then the matter may be forwarded directly to the SAG.

What information should a person making an External Speaker Request provide?

23. A person making an External Speaker Request should provide as much information about the Event and the External Speaker as possible to enable the University to assess any potential risks and consider what arrangements can be put in place to mitigate those risks.

Can an event be advertised if it involves an External Speaker?

24. It is not permitted to advertise an Event until the University has confirmed that the External Speaker Request has been approved.

Responsibilities

25. It is the responsibility of the Principal Organiser to assist the University with safeguarding the welfare of staff and students and in complying with our statutory duties.

26. All Events should be managed so as not to create an environment of fear, harassment or intimidation. In particular, Events must comply with the University's duties under equalities legislation and respect people with protected characteristics.

27. The University expects students, staff, visitors, members of the University Court and members of DUSA to behave in an appropriate manner.

28. The organisers of the Event shall be responsible for any extra expense incurred by the University therefore they must have an appropriate budget for the full Event and any additional measures that may be imposed by SAG.

29. External Speakers who have been approved by the University to speak at an Event must at all times act within the law and follow the University's policies and procedures.

Information and support

30. Anyone who wishes to make an External Speaker Request but is not sure what to do or would like to discuss it first, should contact SAG by emailing safeguarding@dundee.ac.uk.

Stage 1 – Initial risk assessment by Student Services

What will Student Services, do when an External Speaker Request is made?

31. Student Services will carry out an initial risk assessment to decide upon what actions, if any, require to be taken. Part of that initial risk assessment will be to decide whether the Event may be considered to be a High Risk Event. Student Services should refer to the Initial Risk Assessment Guidance at Annex 2.

32. Student Services will do one of the following:

    - approve the External Speaker Request
    - request additional information from the Principal Organiser
    - request additional information or guidance from a third party
    - determine that the Event may be a High Risk Event.

33. If Student Services determines that the Event may be a High Risk Event then the matter should be referred to Stage 2 – SAG assessment.

34. If Student Services feel unable to reach an outcome for whatever reason, they can escalate the matter to the SAG.

Review of information

35. When a High Risk Event is reported to the SAG they will carry out a review of the information referred to them to determine what actions, if any, require to be taken. A review can be made at a face-to-face meeting, by informal electronic means (such as email or Teams) or by telephone conference.

36. Each External Speaker Request will depend on its own particular facts and circumstances. When reviewing a request, SAG shall consider any appliable law and regulations. This shall include the University's obligations in respect of the following:

    - Human Rights and Freedom of Expression
    - Academic Freedom
    - Freedom of thought, conscience and religion
    - Freedom of assembly and association
    - Equality Act
    - Criminal Law
    - Health and Safety / Duty of care
    - Charity Law.

37. Guidance Issued by the Scottish Higher Education Prevent Working Group called 'The Good Practice Guide for Higher Education Institutions' ("the Guidance") provides a number of questions that SAG should consider when assessing an External Speaker Request. A list of these are found at Annex 3 together with a link to the Guidance itself. The SAG should use this list when reviewing an External Speaker Request and refer to the Guidance as required.

38. The SAG will obtain relevant background information to enable an informed decision to be made on whether the Event can proceed within the law. This may involve SAG seeking input from internal or external individuals, groups or organisations, including the police if appropriate.

Outcomes

39. Once the SAG has considered the External Speaker Request and the checklist at Annex 3, the SAG may do one or/more of the following:

    - approve the External Speaker Request
    - approve the External Speaker Request and impose conditions (see sections 42. and 43. below)
    - refuse the request.

40. The SAG will aim to inform the Principal Organiser of the Event of their decision in writing within 5 working days of the External Speaker Request being referred to them. Within that communication, SAG will provide the following information:

    - the decision made by SAG
    - the reason for the decision
    - details of any conditions that apply to the Event
    - details of how the decision can be appealed.

41.   If SAG feels unable to reach an outcome for whatever reason, they can escalate the matter to the Director of ACG.

42.   The SAG may approve a request on the basis that it can go ahead as long as certain conditions are met and/or additional safeguards are put in place. These are to ensure that steps have been taken to mitigate any risks that may arise during the Event.

43.   The Guidance referred to in section 37. above gives several examples of actions that can be taken to ensure safeguards are in place, including enhancing security. A full list of these is at Annex 3. This may be used to assist SAG with making a decision.

Stage 3 - Appeal

How should an appeal be submitted?

44.   A decision of the SAG can be appealed by completing an online Appeal Form.

When should an appeal be submitted?

45.   Appeal forms must be submitted within 48 hours of receiving the decision of the SAG.

What happens when an Appeal Form is received?

46.   If an Appeal Form is received then an Appeal Committee shall be formed to consider the appeal.

47.   The Appeal Committee will aim to meet to consider an appeal within 48 hours of the Appeal Form being received. A meeting may take place face-to-face, by electronic means (such as Teams) or by teleconference.

What is the quorum of the Appeal Committee?

48.   A minimum of three members of the SAG, who were not involved in making the original decision, shall meet as the Appeal Committee. The Appeal Committee shall also include the University Secretary, or their nominee.

Can the Principal Organiser appear at the appeal meeting?

49.   The Principal Organiser, or their nominee, shall have the right to appear at the appeal meeting.

What information will the Appeal Committee consider?

50.   When considering an appeal, the Appeal Committee shall consider the following:

- any information submitted as part of the appeal, including the Appeal Form
- the legal principles as per 36. above
- the checklist at Annex 3
- any additional relevant information available.

51.   The Appeal Committee will make one of the following decisions:

- approve the External Speaker Request

- approve the External Speaker Request and impose conditions as per sections 42. And 43. above
- refuse the External Speaker Request.

52. The decision of the Appeal Committee is final.

NEW INFORMATION OR CHANGES TO PLANS RELATING TO AN EVENT

53. If new information or material comes to light when planning an Event, such as a change of speaker or an increased risk of disorder, then the Principal Organiser must notify the University by submitting an External Speaker Request Form or by emailing safeguarding@dundee.ac.uk.

EFFECTIVE MANAGEMENT OF AN EXTERNAL SPEAKER EVENT

54. If during the course of an Event it does not go to plan, it may be necessary for action to be taken. For example, it may be that attempts are made to disrupt the Event or views expressed by the External Speaker or an audience member fall outside the law.

55. Throughout the Event, the Principal Organiser, or their nominee, shall continue to consult with the University as required in order to safeguard those attending the Event. This may include the requirement to contact the emergency services if necessary.

BOOKING REQUESTS FROM NON-UNIVERSITY STAFF OR STUDENTS

56. The University must ensure that individuals who manage bookings on behalf of external organisations are familiar with this policy and know who to contact in the event of any issues arising.

57. The Principal Organiser shall remain liable for any disruption or damage caused to any property belonging to the University of Dundee which may arise during the course of an Event.

ADHERENCE TO THIS POLICY

58. Each member of the University's community (including staff and students) is expected to adhere to this protocol. The University takes its responsibilities under law and regulation seriously.

59. The University reserves its rights if this protocol is breached.

60. Any individual or group making an Event booking shall hold the University harmless from all liabilities, fines, harm, disruption, damages, loss or any claims that may arise from contravention of this protocol.

61. The University will withhold the right to use University premises if it considers that this protocol has been breached or there is a likelihood of it being breached.

DATA PROTECTION

62. All records and correspondence relating to Events and External Speaker Requests considered in terms of this protocol will be securely stored in accordance with the University's Data Protection Policy.

Definitions used in the External Speakers and Events Protocol

Appeal Committee	a committee formed to consider an appeal of a decision of the sub-group of SAG in relation to an External Speaker Request
controversial	Means (i) the nature or purpose of the Event or the subject matter of the External Speaker's talk may be culturally or politically sensitive; and (ii) in the context of the Counter Terrorism and Security Act 2015, there is a risk that a particular speaker may encourage individuals to become involved in terrorism.
Director of ACG	Director of Academic and Corporate Governance
DUSA	Dundee University Students' Association
Enquiry Centre	the Enquiry Centre run by the University's Student Services
Event	a planned academic, public or social event to which an External Speaker has been or is to be invited which is due to take place on the University's premises (including DUSA) or that has been organised in the name of the University. For the purposes of this protocol, this does not include events organised by the Public Engagement & Major Events Office.
External Speaker	an individual who is not a University of Dundee staff member or student who has been, or is to be, invited to speak at an Event
External Speaker Request	a request for University approval to have an External Speaker attend and speak at an Event, which request must be considered and responded to in line with this protocol
External Speakers Request Form	a form created to capture information relating to an External Speaker which should be completed online or emailed to safeguarding@dundee.ac.uk an example of which can be found at Annex 2.
High Risk Event	an Event which in the judgement of the University (i) may be considered to be controversial; (ii) could result in serious or significant harm to students, staff or other members of the University community or the public who come into contact with the University; (iii) may cause serious damage to property and/or significant harm to the University's work or reputation; and/or (iv) is likely to result in a breach of the University's policies and procedures.
Principal Organiser	an individual who is involved in organising an Event and who is the main point of contact for an Event and/or External Speaker Request
SAG	Safeguarding Advisory Group
Student Services	the University's Student Services

Initial Risk Assessment Guidance

General

There should be a presumption in favour of allowing External Speakers to attend Events, with conditions if necessary, unless there is strong evidence to suggest that the External Speaker or the Event will contravene the law, the University's statutory duties and/or the University's reputation and no mitigating actions can be imposed.

Factors to consider

The majority of External Speaker Requests will be straightforward to assess, especially if the subject matter of what the External Speaker is to speak about would not be considered to be controversial or concerning and the nature of the Event itself would not be likely to place people at risk of harm. However, some requests may be more complex and require referral to SAG for further consideration. These more complex requests under this protocol are called High Risk Events.

In order to assist with the initial risk assessment and to determine whether a particular Event may be considered to be a High Risk Event, Student Services, should answer the questions set out in the table below.

	QUESTION	YES	NO	NOT KNOWN
1	Could the nature or purpose of the Event be controversial or cause distress?			
2	Could the External Speaker's topic be considered to be controversial or cause distress?			
3	Has the External Speaker previously been prevented from speaking at the University of Dundee or another University or similar establishment?			
4	Has the External Speaker attracted controversy on the proposed or other topic in the past?			
5	Has the Event been organised in such a way that it will be one-sided e.g. there will be no opportunity for both sides of an argument to be put forward?			
6	Does the proposed External Speaker have known links to or represent a proscribed terror group or organisation as designated by the UK Government?			
7	If the Event was to proceed, would it place staff, students and/or members of the public at risk of harm?			
8	Will hosting the Event be likely to cause serious damage to property?			
9	Will holding the Event be likely to cause significant harm to the University's work or reputation?			
10	Do you have any other concerns about the Event or the External Speaker?			

If the answer to any of the questions in the above table is 'YES' then the Event may be a High Risk Event and the External Speaker Request should be referred to Stage 2 – SAG Assessment.

If the answer to all of the questions is 'NO' and there are no additional concerns in relation to the Event or the External Speaker, then the External Speaker Event can be approved.

If there is any uncertainty about an Event or an External Speaker, or if any of the questions in the table above could not be answered, then the External Speaker Request should be referred to Stage 2 – SAG Assessment.

SAG Assessment Guidance

General

There should be a presumption in favour of allowing External Speakers to attend Events, with conditions if necessary, unless there is strong evidence to suggest that the External Speaker or the Event will contravene the law or the University's statutory duties, and no mitigating actions can be imposed.

The Good Practice Guide for Higher Education Institutions ("the Guidance") provides guidance for Scottish Universities in relation their statutory duties under Prevent, including those in relation to External Speakers and Events.

Factors to consider

The Guidance provides the following questions to consider when determining whether to approve or refuse an External Speaker request. This table can be used as a checklist when reviewing an external speaker request.

1	Links to terrorism	
	Does the proposed external speaker have links to or represent a proscribed terror group or organisation (as per the Home Office list) or feature on HM Treasury's list of organisations subject to government sanctions?	
2	Event topic	
	Is the Event title or subject matter likely to be controversial or cause distress to anyone?	
	Will both sides of the argument be presented?	
	Will the University be represented?	
	If there is a Chair, are they sufficiently qualified to provide balance and challenge during the Event?	
	What is the Chair's stance on the topic under discussion and is this likely to impact on the smooth running of the Event?	
	Have there been any notices of objection lodged by members of the University to date?	
3	Previous Events	
	Has the speaker spoken to the University or another institution previously?	
	What is known about him or her?	
	Are there grounds to suspect that the individual may speak out with the parameters of the law?	
4	Risks	
	Will hosting the speaker have public order implications, risk injury to attendees or damage to University or any other property?	
	Is there the potential for serious health and safety issues to arise?	
	Is it likely that the presence of the speaker will prompt protests?	
5	Attendees	
	Is attendance restricted to staff and students of the institution only or will it be open to the public?	
	Is it likely that the presence of the speaker will prompt specific groups or individuals to attend the Event?	
6	Security	

	What security provisions are in place?	
	Are these sufficient?	
	Will sufficient security staff be available?	
	Will Police be available?	
7	University's reputation	
	Will hosting the speaker have reputational risks for the University?	
	Is the Event likely to attract media attention and if so how can the University manage this effectively?	
	Can the University balance academic freedom with its duty of care to the students?	
8	University's values	
	Has the speaker agreed to abide by the University's values?	
9	Advertising/Materials	
	How is the Event being advertised?	
	What materials will be available at the Event (e.g. leaflets, DVDs, CDs, memory sticks)?	

Example Conditions

The Guidance gives the following as options for the University to consider which may allow an Event to proceed with conditions in place to mitigate any risks. This list can be used as a checklist when reviewing an External Speaker request:

1	Vary the time and location of the Event from the original plan	
2	Approve a request on the condition that a particular individual chairs the Event	
3	Make the Event ticketed or specify that attendees must show valid ID	
4	Opening the Event up to the general public	
5	Requesting an advanced copy of the guest list for review before the Event takes place	
6	Placing restrictions in the numbers able to attend or restricting the Event to university staff and students only	
7	Enhancing security arrangements including possible police attendance, minimum number of stewards	
8	Imposing conditions on how the Event is advertised (e.g. promotional material to contain translation if in a language not understood by University staff)	
9	Mandatory attendance of specified senior University representatives to maintain order	
10	Making a translator available to University staff attending the Event	
11	Refusing admission to media representatives (press, radio, television)	
12	Restricting the display of banners or placards at the Event and its immediate surrounds	
13	Restricting the sale of alcohol or consumption of food at the Event	
14	Imposing conditions on how the Event is run in relation to specific requests such as a request to segregate the audience	
15	Imposing special arrangements on how the Event or meeting is chaired	
16	Requesting a scrip or precis from the speaker outlining what they intend to say and requiring them to sign an undertaking acknowledging that their speech will be terminated if they deviate from it	

| 17 | Briefing the chair in advance of the Event, making clear that they have a responsibility to ensure that no speaker or other person present at the Event infringes the law; this briefing could highlight the circumstances under which they must stop the Event, issue warnings to participants on their conduct or request the withdrawal or removal by stewards (or the police if necessary) or the person(s) concerned | |

External Speaker Request Form

Contact Details

Name:	
University email address:	
Contact telephone number:	
Role:	

Principal Organiser Details (if different from above)

Name:	
Email address:	
Contact telephone number:	
Student or staff no:	
Elected position:	
Society name:	

Event Information

Title of Event:	
Speaker's full name & organisation:	
Planned date:	
Start time:	
Duration:	
Location/Venue:	
Number of attendees:	
Description of the Event (such as format):	
Target audience:	
How will the Event be advertised?	
What topic will the speaker be talking about?	
Have you read and understood the the External Speakers and Events Protocol?	
Do you have any concerns about the speaker/Event, if so, what are they?	
Other relevant information:	

Please e-mail this form to Safeguarding@dundee.ac.uk

Appeal Form

Contact Details (person appealing the decision)

Name:	
Email address:	
Contact telephone number:	
Student or staff no:	
Elected position:	
Society name:	

Principal Organiser Details (if different from above)

Name:	
Email address:	
Contact telephone number:	
Student or staff no:	
Elected position:	
Society name:	

Event Information

Title of Event:	
Speaker's full name & organisation:	
Planned date:	

Reasons for Appeal

In as much detail as possible, please explain why you are appealing a decision to refuse an External Speaker Request:

Please e-mail this form to Safeguarding@dundee.ac.uk

List of University of Dundee policies and procedures

- Safeguarding Protocol:
https://www.dundee.ac.uk/media/dundeewebsite/pgla/documents/dca/dundeeonly/Safeguarding%20Protocol.pdf

- Safeguarding Policy:
https://www.dundee.ac.uk/media/dundeewebsite/pgla/documents/dca/safeguarding/Safeguarding%20Policy.docx

- Policy for the use of bookable spaces by Student Societies:
https://www.dundee.ac.uk/media/dundeewebsite/roombooking/documents/student-room-booking-policy.docx

- Equality and Diversity Policy:
https://www.dundee.ac.uk/media/dundeewebsite/hr/documents/equalitydiversity/Equality%20and%20Diversity%20Policy-28October2013.pdf