

## EXTERNAL SPEAKER CODE OF PRACTICE

<b>Section</b>	University Management
<b>Contact</b>	Provost
<b>Last Review</b>	New
<b>Next Review</b>	April 2020
<b>Approval</b>	C19/160
<b>Effective Date</b>	November 2019

### Purpose

The University has a legal duty to promote academic freedom, freedom of speech and equality and diversity within the law. The University also has obligations under the Health and Safety at Work Act 2015 to ensure the physical and mental health and safety of students, staff and visitors.

The University has developed a *Policy on Academic Freedom, Free Speech and Freedom of Speech* (henceforth known as 'the Policy'), which affirms the University's commitment to promoting such freedoms within the law, as well as specifying the responsibilities of exercising these freedoms. This *External Speaker Code of Practice* (henceforth known as 'the Code') should be applied in the context provided for by the Policy.

External speakers play a key role in University life, providing staff and students with opportunities to access a broad range of views and beliefs and encouraging students to develop their own informed opinions. The Code outlines the process the University will respect and adopt to ensure that external speakers who seek to speak on campus or who are invited to speak on campus are aware of the expectations regarding the promotion of academic freedom, freedom of speech and equality and diversity, and that any speakers remain within the law.

This Code applies to the notification and approval of all external speakers who have been invited to an event, or have requested a University venue to deliver an event organised on the University's campuses, as well as any event that utilises the University's name away from University and their Students' Association premises. The Code should be read in conjunction with the Policy, the *Massey University Strategy 2018-2022*, the Venue and Space Use Terms of Agreement and the Massey University Event Management Policy (currently under review).

The procedures outlined in this document must be followed by all staff and students of Massey University as well as external parties.

The University, through the auspices of the Vice-Chancellor or delegate, reserves the right to withdraw any prior approval given to an external speaker in light of new information that leads the University to reasonably believe that the external speaker might contravene its policies or the law.

### **Procedure for External Speaker Notifications**

All event organisers must notify the relevant University officer, i.e. a member of the Senior Leadership Team (SLT), that an external speaker has been invited to an event on campus by completing the online form. The event organiser must undertake a preliminary risk assessment (see Appendix 1) and include in the form all information that they are aware of and which the University will require for their consideration prior to approval.

As a condition of inviting an external speaker to an event, and by submitting the online notification form, the event organiser is asked to declare that:

- they have provided the correct information to the University so that the relevant University officer can fully consider possible risks associated with having this speaker at an event. Consideration will be given, but not be exclusive to, physical, reputational and mental harm to students, staff and/or visitors;
- they have read both this Code and the Policy and confirmed that they will share these with their external speaker(s) prior to arrival at the event so that both the event organiser and the speaker are aware of the University's policies and expectations; and
- if there is a change of topic or should the speaker have been replaced or is no longer able to attend the event, they will notify the relevant University officer. If the event organiser invites a replacement or invites an additional speaker, they will submit a new request.

In order to allow sufficient time for the request to be considered, the application must be completed no less than 15 working days' prior to the event, unless there are reasonable circumstances where this timeframe cannot be met.

### **Procedure for External Speaker Approvals**

The procedure for assessing the request may vary, depending on whether the event organiser is a staff or student or if the event is an external booking.

Decisions will normally be made by the relevant University officer, and if required, in consultation with the Deputy Registrar Operations, who will consider possible risks associated with the speaker, including physical, reputational and mental harm to students, staff and visitors and the risk that the external speaker could contravene University policy or the law. If there are concerns regarding the physical, reputational and mental harms to students, staff and visitors, further advice will be sought from the Director, Governance and Assurance.

The decision regarding the application will be communicated to the event organiser no more than five working days following submission of the form. The outcome will be one of the following:

- the external speaker has been approved; or
- the external speaker has been approved, but conditions are imposed by the University. These conditions may include, but are not exclusive to:
  - that the event is to be recorded using the University’s ‘Lecture Capture’ facility; and/or
  - that the Director, Governance and Assurance, or their nominee, inform University Security of the event so that further security requirements can be arranged; and/or
  - that the relevant Students’ Association circulate the ‘House Rules’ at the commencement of the event so that attendees are aware of expectations of conduct during the event; or
- that the request by or on behalf of the external speaker is declined.

Should an application be escalated beyond the relevant University officer, and the Director, Governance and Assurance concludes that the external speaker poses a significant risk to health and safety and other considerations noted in the Policy, they will refer the matter to the Incident Group, who will decide if the external speaker is approved.

An event organiser may appeal the outcome of a decision if they believe the decision was reached unfairly. The event organiser should submit a detailed explanation of the grounds of any appeal by email directly to the Vice-Chancellor.

### **Considerations in preparation for the event**

An external speaker may not be confirmed until the event organiser has been informed by the University of the outcome of the application to present/speak.

The University understands that circumstances relating to an external speaker notification may change, even at the last minute. In this case, it is the responsibility of the event organiser to inform the University, via the relevant University officer, or the relevant member of Students’ Association staff immediately if there is:

- a change in the arrangements which may lead to the contravention of University policy or the law; or
- a change in external speaker or their topic.

If the University considers there to be a significant change in the attendant risks, the decision approving the event may be revised.

### **During an event**

If, during the event, the event organiser or an attendee considers that the external speaker is contravening University Policy or the law, or if there is a physical threat to those attending the event, they must inform University Security immediately.

### After an event

If, after an event, it comes to light that the external speaker contravened University policy or the law, or if there was a significant risk to the University, its members or guests, then the University may conduct a post-event review, the outcome of which may result in the University taking formal disciplinary action.

### Definitions:

- An **‘external speaker’** is any individual (or organisation) who is not a student or staff member of Massey University.
- **‘The relevant University officer’** in the context of this document refers to any member of the University’s Senior Leadership Team (SLT).
- An **‘event’** in the context of this policy is considered as a major University event; that is, any publicly-advertised meeting or activity organised by a staff or student member of Massey University or an external party that is considered by the University *not* to be associated with formal research or learning outcomes or does *not* form part of (or directly support) a credit-bearing programme of study offered by the University *and* is expected to attract a significantly large public audience *and* requires a central room or space booking.
- An **‘event organiser’** is the staff or student member or external party who has submitted the online External Speaker Notification Form. Where a member of staff or external party submits a form on behalf of a colleague, it is the colleague who will be recognised as the event organiser and will be responsible for the event.
- The **‘form’** is the online External Speaker Notification Form that will be submitted by the event organiser.
- The **‘incident group’** for the purposes of this document includes the Provost, Director Risk & Assurance and Senior PR Advisor.
- The **‘review’** is the process by which the University will consider possible risks posed by an external speaker and mitigating actions that may be required in order to reduce the level of risk. The outcome of this review will be communicated to the event organiser who may appeal the decision. It is extremely unusual for the University to refuse a request for a speaker, but there are occasions on which measures need to be taken to ensure that the event is able to take place safely and within appropriate conditions.

### Audience:

All staff, students, visitors and external bodies within the university community.

**Relevant legislation:**

- Education Act 1989
- Human Rights Act 1993
- New Zealand Bill of Rights Act 1990
- Health and Safety at Work Act 2015
- Amendments Injury Prevention, Rehabilitation Compensation Act 2001
- Harmful Digital Communications Act 2015

**Legal compliance:**

The Health and Safety at Work Act 2015 requires Massey University to take all practicable steps to identify hazards in the workplace and to ensure that people working or visiting the University premises are not harmed from any hazard in or arising in the workplace. Accordingly, Massey University has a duty of care to staff, contractors and visitors taking part in any event on our campus.

**Related procedures / documents:**

- Policy on Academic Freedom, Free Speech and Freedom of Expression
- Student Disciplinary Regulations (*currently under revision*)
- Event Management Policy
- Risk Management Policy
- Event Application Form (Manawatū)
- Event Application Form (Albany, Wellington and off-campus)
- Event Health and Safety Form
- Internet Use and Digital Communications Policy
- Emergency Management Policy
- Policy on Staff Conduct
- Health, Safety and Wellbeing Policy

**Document Management Control:**

Prepared by: Provost

Authorised by: Provost

Approved by: Council

Date issued: November 2019

Next review: April 2020

## Appendix 1

Prior to the confirmation of any external speaker, the event organiser will be responsible for assessing the speaker/event against the following set of questions:

- Question 1: Will the event be open to the general public?
- Question 2: Will the event be broadcast, streamed or offered for download by the organisers?
- Question 3: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the University's policies?
- Question 4: Has the speaker previously been prevented from speaking at Massey University or another university or similar establishment, or previously been known to express views that may be in breach of Massey University policies?
- Question 5: Is the subject matter or the speaker likely to attract protest, negative media coverage or otherwise be a potential threat to the reputation of the University?
- Question 6: Is there any possibility of a situation arising in which people might experience harassment, intimidation, verbal abuse or violence, or that those in attendance might be incited to engage in harassment, intimidation, verbal abuse or violence directed at others, as defined within law and within the University's policies governing bullying and harassment and those of New Zealand?

If the answer to all these questions is NO – this is deemed to be LOW RISK. The outcome of the risk assessment should be recorded as part of the normal processes in place to organise or manage the event.

If the answer to any of the questions is unclear, or the answer to any of Questions 1, 2 or 3 is YES – this is deemed to be MEDIUM RISK.

If the answer to one or more of Questions 4 through 6 is YES – this is deemed to be HIGH RISK.