

External Speaker & Freedom of Speech Policy

1. Purpose

This policy sets out how Norwich Arts Students' Union (NASU) secures freedom of speech within the law in relation to external speakers and events, while protecting staff, students and visitors, and complying with relevant legislation and regulatory guidance. It also explains how and when referrals will be made to Norwich University of the Arts ("the University").

2. Scope

This policy applies to:

- All NASU organised or NASU affiliated events on University premises, off campus locations booked via NASU, and online events streamed or hosted by NASU.
- All requests by NASU societies, clubs or individual student organisers to invite external speakers.
- External speakers include any non-student/non-staff individual invited to speak, perform, or participate in a panel, debate, workshop or performance where ideas or opinions will be expressed.

3. Legal and Regulatory Framework

NASU will act consistently with:

- The Higher Education (Freedom of Speech) Act 2023 and related OfS regulatory guidance.
- The Education (No. 2) Act 1986 s.43 (as amended).
- The Equality Act 2010, Public Order Act 1986, Terrorism legislation and other relevant laws.
- The University's Code of Practice on Freedom of Speech and related security and safeguarding procedures.

4. Principles

1. **Freedom of speech within the law.** Lawful speech that some may find shocking, offensive or disturbing will not be restricted solely on that basis.
2. **Particular regard** will be had to the importance of securing free speech and academic freedom.
3. **Reasonably practicable steps** will be taken to enable events to proceed, applying proportionate mitigations where needed (e.g., chairing, format changes, venue adjustments, security measures).

4. **Unlawful speech** (e.g., incitement to violence, harassment, terrorism-related offences) is prohibited and will not be facilitated.
5. **Neutrality of decision-making:** Decisions will not be made on the basis of the views, beliefs or lawful associations of speakers or organisers except where directly relevant to legal risk or duty of care.
6. **Transparency and accountability:** Reasons for decisions will be recorded; routes of review/complaint are available.

5. Roles and Responsibilities

- **Student Organiser / Society :** submits requests and information, cooperates with risk assessment and mitigations, and adheres to agreed conditions.
- **NASU Managing Director:** administers the process, conducts initial screening, consults the University as needed.
- **NASU Managing Director (or delegate):** makes approval decisions; may impose conditions; escalates to Trustees if novel/high-risk.
- **NASU Trustees:** oversight; determine appeals where appropriate; approve policy and material changes.
- **University (Security, Legal/Compliance, Estates):** receives referrals; advises on security/safeguarding; may determine venue availability or impose campus-wide conditions.

6. External Speaker Request Process

6.1 Submission

Requests must be submitted via the NASU External Speaker Form at least **10 working days** before the event (20 working days for events expected to attract 200+ attendees). The organiser must provide:

- Event purpose, format, date/time, expected audience size and profile;
- Speaker(s) full names, affiliations, biographies, and topic/outline;
- Whether the event will be ticketed/public, recorded/streamed;
- Proposed chair/moderator;
- Any known sensitivities (e.g., likely counter-protests) and previous relevant controversies;
- Accessibility needs and welfare considerations.

6.2 Screening and Risk Assessment

The Managing Director will complete a structured assessment considering (non-exhaustive):

- Potential for unlawful speech or behaviour;
- Public order/safety implications, including counter-demonstration;
- Safeguarding, welfare, and duty-of-care considerations;
- Venue suitability and logistics (capacity, ingress/egress, accessibility);
- Communications and reputational risks (not decisive alone);
- Availability and proportionality of mitigations.

6.3 Mitigation Toolkit (examples)

Where risks can be managed, NASU will favour conditions to enable the event, such as:

- Qualified chairing and agreed rules of debate;
- Balanced panel composition or structured Q&A;
- Ticketing/registration; verified entry and bag checks;
- Adjusted venue/time or online format;
- Stewarding and/or security presence;
- Clear pre-event briefings and scripts;
- Recording the event;
- Welfare space and debrief signposting.

6.4 Decision

Decisions will be issued within **5 working days** of a complete submission. Outcomes are:

- **Approved** (with or without conditions);
- **Deferred** (pending information/mitigation);
- **Not approved** (with written reasons grounded in law and policy).

7. Referral to the University

NASU will make a formal referral to the University in the following situations:

(i) Approved but may require additional security

Where NASU proposes to approve a speaker/event but the topic, format, venue

or expected audience/counter-protest indicates that **additional University-led security measures** may be required (e.g., specialist security planning, police liaison, significant screening measures, or complex crowd management), NASU will refer the event for joint planning and confirmation of conditions before final approval is confirmed.

(ii) Not approved on grounds relating to opinions/beliefs or associations

Where NASU is minded **not to approve** an external speaker **for reasons related to the speaker's opinions, beliefs or lawful associations**, NASU will refer the case to the University for review and advice **before** issuing a final decision, to ensure the decision is compatible with the duty to secure freedom of speech within the law and the University's Code of Practice.

7.1 Referral Pack

NASU will send the University a standardised pack containing:

- The original application and event details;
- NASU risk assessment and rationale;
- Proposed mitigations and any conditions;
- Information relied upon (open-source material, prior statements/events);
- Any correspondence with the speaker/organiser;
- Proposed timeline to decision.

7.2 University Response & Joint Planning

- The University will confirm receipt within **5 working days** and nominate a lead contact (e.g., Security/Compliance).
- For **(i)** security referrals, the University will convene a planning meeting (NASU, Security, Estates, Communications, Police liaison if needed) within **10 working days** to agree proportionate measures and costs/responsibilities.
- For **(ii)** belief/opinion referrals, the University will review the legal basis, availability of mitigations, and proportionality. The University may recommend that the event proceeds with conditions, proceeds without conditions, or that the decision not to approve is justified in law.

7.3 Decision Following Referral

Following University input, the NASU Managing Director will **re-take** the decision, providing a **reasoned written outcome** that addresses the University's advice and:

- Identifies the **lawful limits** engaged (if any), and why mitigations are/are not sufficient;
- Records any **conditions** imposed;
- Confirms any **security plan** agreed (including funding and responsibilities).

8. Conditions of Approval

If approved (with or without conditions), organisers and speakers must:

- Comply with venue rules, health and safety instructions, and steward/security directions;
- Adhere to the agreed format and chairing arrangements;
- Avoid unlawful speech or conduct;
- Facilitate equal opportunity for audience participation consistent with safety;
- Respect accessibility and welfare measures.

Breach of conditions may result in suspension, termination, or future restrictions on event booking.

9. Non-Approval (Refusal) Criteria

NASU will only refuse where, having taken **reasonably practicable steps**, the residual risk cannot be managed and there are **strong reasons in law** to conclude that the event would:

- Be reasonably likely to involve **unlawful speech** (e.g., incitement to violence or hatred, unlawful harassment);
- Present **serious safety/public order risks** that cannot be mitigated;
- Breach other legal duties (e.g., safeguarding, counter-terrorism).
Reputational damage alone will **not** justify refusal.

10. Protests and Counter-Protests

NASU recognises the right to peaceful protest. Where protests are anticipated, NASU will coordinate with the University to facilitate both the event and protest within the law, applying proportionate measures (e.g., designated areas, timings, stewarding).

11. Appeals and Complaints

- **Internal review:** An organiser or speaker may request a review within **10 working days** of the decision, setting out grounds. A NASU Trustee panel (not previously involved) will determine the review within **15 working days** where practicable.

- **OfS free speech complaints scheme:** Eligible individuals may also pursue the OfS free speech complaints route, subject to its scope and admissibility rules.
- **University processes:** If the University has made or directed a decision (e.g., venue or security controls), relevant University processes may apply.

12. Data Protection and Record-Keeping

NASU will process personal data lawfully and minimally. Core records (applications, assessments, decisions, conditions, referrals) will be retained for **three years** and then securely deleted unless required for ongoing proceedings.

13. Training and Awareness

NASU will provide annual training for staff and elected officers covering: the legal framework; distinguishing lawful from unlawful speech; practical mitigation; respectful chairing; protest management; and referral procedures.

14. Monitoring and Reporting

NASU will publish an **annual summary** of external speaker requests and outcomes (approved with/without conditions; referrals; non-approvals) with anonymised data. Trends and lessons learned will inform policy updates.

15. Costs

Where additional stewarding or security is required, costs will be agreed in advance and, where reasonable, may be met from event budgets, the society, or NASU/University contributions as determined through the referral planning process.

Appendix A – External Speaker Application (Information Required)

1. Event title, date/time, venue (on/off campus/online).
2. Organiser details and society affiliation.
3. Speaker(s) full name, organisation, contact details, short biography.
4. Topic/abstract and proposed format.
5. Expected audience size and profile; public or members-only.
6. Ticketing/registration method; whether recorded/streamed.
7. Chair/moderator name and experience.
8. Accessibility, welfare and safeguarding considerations.

9. Known sensitivities, likely protest, previous controversies.
10. Proposed mitigations.

Appendix B – Risk Assessment Checklist (Illustrative)

- Could the event reasonably foresee **unlawful speech**? If yes, what mitigations or controls are proposed?
- Public order/safety: capacity, entry/exit, stewarding, security, police liaison.
- Protest management: routes, separation, information to attendees.
- Accessibility and welfare: inclusive access, content notices, support.
- Communications: neutral advertising, FAQs, holding statement.
- Conditions proportionate and the **least restrictive** necessary?
- Residual risk acceptable? If not, referral or non-approval rationale.

Appendix C – Referral to University (Template)

- Trigger: **(i)** security measures likely required / **(ii)** potential non-approval linked to opinions/beliefs/associations.
- Summary of event and timeline.
- NASU assessment and reasons; proposed mitigations.
- Specific questions for University (e.g., venue availability; security plan; legal view).
- Proposed next steps and decision date.