



EXTERNAL SPEAKER GUIDELINES

Section	University Management
Contact	Provost
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Purpose

Massey University Te Kunenga ki Pūrehuroa has a legal duty to promote academic freedom, free speech/freedom of expression 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's *Policy on Academic Freedom, Free Speech and Freedom of Expression* (henceforth known as the *Policy on Academic Freedom* or 'the Policy'), affirms the university's commitment to promoting such freedoms within the law, as well as specifying the responsibilities of exercising these freedoms.

External speakers play a key role in the life of the university, providing staff and students with opportunities to access a broad range of views and beliefs and encouraging students to develop their own informed opinions. These *External Speaker Guidelines* (henceforth known as 'the Guidelines') provide guidance for staff and students at the university to ensure that external speakers who wish to speak on campus (including virtual platforms hosted or owned by the university) or who are invited to speak on campus are aware of the expectations regarding the promotion of academic freedom, free speech/freedom of expression, and that any speakers remain within the law.

These Guidelines apply to all external speakers who have been invited to speak on campus or have requested a university-owned and operated venue to deliver an event, as well as any event that utilises the university's name away from the university and their Students' Association premises. These Guidelines should be read in conjunction with the Policy, the *Massey University Strategy 2022-2027*, the *Venue and Space Use Terms of Agreement* and the *Massey University Event Management Policy*.

These Guidelines should therefore be considered by all staff and students at Massey University Te Kunenga ki Pūrehuroa as well as external parties.

Staff and students have personal obligations under the Health and Safety at Work Act 2015 to take reasonable care for their own health and safety and to take reasonable care that their acts and omissions do not adversely affect the health and safety of other persons. Academic staff and students are expected to

exercise their academic freedom in a manner that is consistent with these legal obligations.

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

External Speaker Notifications

It is expected that the event organiser will undertake a preliminary risk assessment for all external speakers. Where the risk assessment is medium or high it is recommended the relevant university officer is contacted so that they can either be advised and/or provide advice at least two weeks prior to the speaker's engagement.

The risk assessment should consider and address at least the following:

- Will the event be open to the public?
- Will the event be broadcast, streamed, or offered for download by the organisers and be available to the public?
- Does the proposed title or theme of the event present a potential risk where views or opinions expressed by speakers may be in breach of the university's policies?
- Will the event contravene, undermine, or diminish the rights and responsibilities or the University's commitment to upholding the Te Tiriti o Waitangi/the Treaty of Waitangi and the status of Māori as Mana Whenua and Tangata Whenua?
- 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?
- 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?
- 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?

While it is the responsibility of the event organiser to assess and address risks, generally:

- if the answer to all the questions above is NO, it is considered to indicate a LOW RISK.
- if the answer to any of the questions is unclear, or the answer to any of the first three questions above is YES, it is considered to indicate a MEDIUM RISK.
- if the answer to one or more of the last three questions above is YES, it is considered to indicate a HIGH RISK.

The event organiser should indicate clearly that:

- they have provided the correct information to the University so that the relevant university officer can fully consider possible risks associated with having the speaker at an event. Consideration should be given, amongst others, to physical, reputational, and mental harm to students, staff and/or visitors; and
- they have read both these Guidelines 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.

The relevant university officer, and if required in consultation with the Deputy Vice-Chancellor University Services, 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, before making a decision. If there are concerns regarding the physical, reputational and mental harms to students, staff and visitors, further advice may be sought from the Director, Governance and Assurance and/or the event organiser.

Should the matter need to 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, the matter should be referred to the Incident Group, who will determine if the event should proceed.

An event organiser may appeal the outcome of a decision if they believe the decision was reached unfairly. In such case 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

Guidance in relation to preparing and assessing a request may vary depending on whether the event organiser is a staff member or student, or whether the event relates to an internal or external booking.

An external speaker considered medium or high risk should not be confirmed until the event organiser has discussed this with the relevant university officer.

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 policies or the law, or if there is a physical threat to those attending the event, they should inform University Security immediately.

After an event

If, after an event, it comes to light that the external speaker contravened university policies or the law, or if there was a significant risk to the university, its members or guests, then the relevant university officer who considered the possible risks associated with the event, and if required in consultation with the Deputy Vice-Chancellor University Services, may conduct a post-event review, the outcome of which may result in the university taking such action as may be appropriate in the circumstances.

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’** in the context of this policy is the staff or student member or external party who organises an event.
- The **‘incident group’** for the purposes of this document includes the Provost, the Director Governance & Assurance, and the Executive Director Marketing & Communications.
- 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 can take place safely and within appropriate conditions.

Audience:

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

Relevant legislation:

- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993
- Amendments Injury Prevention, Rehabilitation Compensation Act 2001
- Health and Safety at Work Act 2015
- Harmful Digital Communications Act 2015
- Education and Training Act 2020

Legal compliance:

The Health and Safety at Work Act 2015 requires Massey University Te Kunenga ki Pūrehuroa 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, the 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
- Student Disciplinary Regulations
- Event Management Policy
- Risk Management Policy
- Internet Use and Digital Communications Policy
- Emergency Management Policy
- Policy on Staff Conduct
- Health, Safety and Wellbeing Policy

Document Management Control:

Prepared by: Provost



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UNIVERSITY OF NEW ZEALAND

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