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<b>Responsible for interpretation:</b>	Board of trustees

# Publishing Policy

## 1.0 Scope & Background

- 1.1. The Union engages in a wide range of activity, which may include the publishing of content for the benefit of its membership, the wider academic community, and the general public.
- 1.2. To ensure that the Union is managing risk and maintaining its responsibilities, this policy outlines its approach to publication of all material in the Union's name.
- 1.3. This policy defines content as journals, articles, opinion pieces, reviews, reports statements, and other text, image, sound, video, and multimedia distributed in print or otherwise.
- 1.4. Excluded from the scope of this policy is content which forms the basis of communication of a specific topic or event, such as social media, emails and blogs, which is covered by the Web Provision & Web Conduct Policy.
- 1.5. This policy outlines the risks involved in publishing content, the processes and principles for publishing & broadcasting of created work to mitigate those risks, and the processes for dealing with complaints.
- 1.6. The Union recognises the benefit of supporting editorially independent Student Groups and will carefully weigh those benefits against its responsibilities to its members, ensuring compliance with its articles and relevant legislation.
- 1.7. The Deputy Chief Executive will determine the appropriate member of staff to support the publishing process.
- 1.8. Staff employed by City St George's, University of London and/or the Union will not be commented on in any publication as their position in relation to the University and the Union will lead any publication of which they are subject to infringe upon their right of reply.

## 2.0 Risks

- 2.1 It is important for the Union to understand the types of risk that are associated with publication of content. This section outlines some of the key risks involved and their defences.

### Defamation

- 2.2 Defamation law protects the reputation of individuals and corporations.

- 2.3 Defamation is punishable by damages set by the court and awarded to the claimant.
- 2.4 Defamatory statements can include, but are not limited to, any suggestion of criminal activity, dishonesty, fraud, hypocrisy, immorality, lack of professionalism, incompetence, failing in a duty, sexual impropriety, and bullying.
- 2.5 There is no defence in repetition; any individual repeating a libellous comment will be liable for it. Sharing libellous materials digitally through the web or social media will not be excluded under this definition.

### **Main Defences**

- 2.6 Truth - Truth will constitute a complete defence against libel action. Statements containing imputations under the accusation of defamation will be considered true, and therefore defensible against the accusation of defamation, if the defence can prove the imputations are *substantially true*. The defence will also not fail in the case that the claimant's reputation can be shown not to be seriously harmed even if the imputations made cannot be shown to be substantially true.
- 2.7 Absolute Privilege - Absolute Privilege will constitute a complete defence against libel action. Reports on court proceedings containing statements to which absolute privilege applies will be fair, accurate and published when the case is in court or shortly afterwards.
- 2.8 Qualified Privilege – Qualified Privilege covers much of the material that is published by the government and governmental sources, such as local authorities. Reports on parliamentary or judicial proceedings containing statements to which qualified privilege applies will be fair, accurate, in the public interest and without malice.
- 2.9 Honest Opinion – Statements defensible as Honest Opinion will be: proven statements of opinion; which will indicate the basis of said opinion; which an honest person could have held on the basis of a fact or privileged fact at the time of the complaint.
- 2.10 Time Limit – In England & Wales no libel action may be brought after one year from the publication, broadcast or distribution of statements online.

### **Malicious Falsehood**

- 2.11 Malicious Falsehood is the publication of statements that are known to be or should have been known to be false which may cause damage to individual(s) subject of those statements. It will be the responsibility of the claimant to prove the falsehood of the statement, damages or harm caused, and that the statements were made maliciously (except in the case that it can be shown

that statements were calculated to cause financial damage, in which case it will not be necessary to prove special damages).

- 2.12 Penalties may be substantial if loss is identified in these cases. The Union, if acting as defendant in such a case, will pursue a course of attempting to mitigate and damages incurred by the claimant by such methods and the issue of apologies or corrections before the initiation of legal proceedings, if possible.

## **Copyright**

- 2.13 Copyrights are laws pertaining to intellectual property.
- 2.14 A copyright owner may claim damages for works used without permission which will include actually or proceeding with the intention of selling, exposing for hire, exhibiting in public, importing, copying, or communicating to the public the works in question for personal gain or causing a loss to the copyright owner.
- 2.15 Material protected by copyright includes literary, dramatic, artistic, musical works, sound recordings, photography, films, broadcasts and typographical arrangement (layouts).
- 2.16 Material does not need to be registered to be protected by copyright
- 2.17 Information considered fact, news, ideas or information will not be protected by copyright. Such information may be shared freely. The exact words used in a given work communicating facts, news, ideas, or information may be protected by copyright.
- 2.18 A work will be protected by copyright until the author's death and then for 70 years from the 31<sup>st</sup> of December of the year of the author's death. If a work is of unknown authorship, copyright protection will expire 70 years from the 31<sup>st</sup> of December of the year of the work's creation or the year the work was made available to the public, whichever comes last. Computer-generated works and broadcast works will be protected by copyright until the 31<sup>st</sup> of December 50 years from year of the work's creation or the broadcast.
- 2.19 Online content, including social media, will be subject to copyright laws as above.
- 2.20 Works distributed subject to a Creative Commons or similar public copyright licence, or works held on a database which is subject to such a licence may be used without violating copyright law.
- 2.21 Please refer to the Copyright, Designs and Patents Act 1988 and its relevant amendments for a full understanding of the law as it applies to copyrights.

## **Defences**

- 2.21 Fair Dealing – work may be used for non-commercial research or study, criticism, or review, or for the reporting of current events without infringing upon the rights of the copyright owner. This excludes the use of photographs.

### **Contempt of Court**

- 2.22 Contempt laws protect the judicial process and a person's right to a fair trial. Contempt may be a criminal or civil offence and may be punishable by fine or jail sentence. The civil component of contempt of court laws will not apply to Union publications.
- 2.23 Published content which prejudices or impedes active court proceedings will be liable for penalties and held in contempt of court. Such content will be considered in contempt of court regardless of whether the content was intended to interfere with court proceedings or otherwise, as such content may prejudice witness testimony or the decision of a jury, even if published without the intent to do so.
- 2.24 Content which describes or identifies an individual involved in criminal proceedings will not be published; such content is likely to prejudice eyewitness accounts in ongoing court proceedings and will be liable to be held in contempt of court.
- 2.25 Published content will not present views which assume guilt or innocence without substantiation or engage in character assassination which may lead to an unfair trial.
- 2.26 Contempt of court will be a civil offence in the case of disobedience to a court order, such as an injunction.

### **Privacy**

- 2.27 The European Convention on Human Rights provides individuals with a right to privacy.
- 2.28 An individual's right to privacy may be infringed upon if it is shown to be in the public interest to do so.
- 2.29 Examples of matters regarded as private include family life and children, sexual relationships, health, religion, commercially confidential relationships, employment relationships. This is not an exhaustive list.
- 2.30 Permission will always be sought prior to the publication of private information, except in the case that the publication of such information be shown to be in the public interest.

### **Victims, Children and Vulnerable People.**

- 2.31 The identity of individuals involved in court proceedings may be protected by law.
- 2.32 Victims of sexual offenses are granted the right to anonymity in the press as soon as an allegation of a relevant offence has been made. This right to anonymity lasts for the victim's lifetime, regardless of the outcome of criminal proceedings.
- 2.33 An individual's right to anonymity may be waived by written consent.
- 2.34 Defendants in sexual offence cases are not automatically granted a right to anonymity.
- 2.35 It is a criminal offense to identify a victim of a sexual offense. Sometimes the prosecuting authorities will charge not only the publication, but also its editor, or other responsible manager. The penalty is usually a fine, but conviction may be considered in some cases.

## **3.0 Publishing & Broadcasting**

### **Principles**

- 3.1 All Union-published content will adhere to the Independent Press Standards Organisation Code of Practice.
  - 3.1.1 Where conduct falls outside the bounds of the Union's policy, the Independent Press Standards Organisation Code of Practice will be used as a guide.
- 3.2 The Union will uphold the rights of student journalists to access information to inform the student community.
- 3.3 The Union will uphold student journalists' right to report independently.
- 3.4 The Union promotes peer-review and high standards in publishing.
  - 3.4.1 The Union will seek advice from colleagues at City St George's to support the peer-review process.
- 3.5 The Union will operate on the policy that accuracy is the single most important principle in publishing content.

### **Risk Management**

- 3.6 The Union will be responsible for managing the risks associated with its position as a publisher of material for public consumption.
- 3.7 The Board of Trustees will retain ultimate responsibility for ensuring the Union's lawful conduct in the fulfilment of its charitable objectives.

3.8 The processes outlined in this policy allow Student Groups to conduct their activities while addressing the legal risks associated with publishing content for the view of the general public.

### **Risk Rating**

3.9 The publications of student groups will be awarded a Risk Rating by the Board of Trustees which will be reviewed on an annual basis.

3.10 The Risk Rating will be High, Medium or Low Risk.

3.11 The criteria for establishing Risk Rating will be:

3.11.1 Frequency of publication(s) - A higher frequency of publication(s) will increase the foreseen risk.

3.11.2 Method(s) of distribution - Online distribution of content will increase the foreseen risk due to the ease of distribution. Printed distribution should be considered medium risk due to the ability to review, rescind or halt distribution.

3.11.3 Content area(s) - Areas that are controversial, political or opinion-based will increase the foreseen risk.

3.11.4 Training undertaken by contributors and editors - student groups publishing material will be expected to undertake training. Failure to do so will increase the foreseen risk.

3.11.5 Academic Oversight – the involvement of a City St George’s, University of London academic in a Student Group which includes, by written agreement, oversight and review of the content published by the group will lower the foreseen risk.

3.11.6 Professional Oversight – the involvement of a relevant, qualified and/or experienced professional in a Student Group which includes, by written agreement, oversight and review of the content published by the group will lower the foreseen risk.

3.11.7 Complaints Procedure – the existence of an approved and functional complaints procedure to deal with any issues arising from published content will lower the foreseen risk.

3.12 The review process applicable to a Student Group’s Risk Rating will be determined by their previous Risk Rating.

- 3.13 It is the responsibility of the Vice President Community & Wellbeing, or their nominee, to review the criteria and apply a Risk Rating to each Student Group and present the ratings to the Board of Trustees.
- 3.14 A review of the Risk Rating will be initiated if a publication causes legal proceeding to be commenced or the criteria significantly changes within the academic year of approval.
- 3.15 Student Groups may appeal a Risk Rating decision by contacting the Union President.
- 3.16 The President will review additional information provided by the Student Group or relevant parties, and either uphold the original decision or issue a new decision.
- 3.17 The President's decision is final.

## **4.0 Content Review**

- 4.1 The Union may need to review a piece of content to ensure that it is abiding by the principles and mitigating the risks outlined in this policy.
- 4.2 This review will be carried out by a member of staff who will have sufficient training in which to make a decision on the possible legal consequences of publishing said material.
- 4.3 The Union may seek external advice if the appropriate staff member(s) are not available to or capable for want of expertise of making a decision on the legal implication of content.
- 4.4 A content review will be proportionate to the Risk Rating previously awarded to that content.

### **Review Process**

- 4.5 Upon receiving an article or publication for review, the Union will conduct a review to identify whether that work contains any content which risks infringing upon the law or violating the Union's best practice principles. Each review stage will examine the legal implications of any infringements discovered and assess whether the IPSO code of conduct has been followed effectively.
- 4.6 Each review stage may result in one of three outcomes:
  - (a) Content Approved,
  - (b) Further Approval Needed; or
  - (c) Content Rejected.



- 4.6.1 Approved content may be published by the Student Group.
- 4.6.2 Rejected content may not be published unless substantive changes are made. Such content will be returned to the Student Group. The rationale behind the decision to reject the content will be supplied. Suggested amendments which would guarantee the compliance of the work will be offered. Once amendments have been made, the content may be resubmitted. Resubmitted content will be reviewed at the same level at which it was previously rejected.
- 4.6.3 Content may be escalated for further review. Guidance from already-completed reviews will be supplied to further reviewers.

### **Review Stage One**

- 4.7 The first stage review will be conducted within 2 working days of the submission of work to the Union by a member of staff selected by the Deputy Chief Executive.
- 4.8 A student group dissatisfied with the outcome of review stage one may request that the content is considered under review stage two.

### **Review Stage Two**

- 4.9 The second stage review will be conducted within 3 working days of the original submission by the relevant Sabbatical Officer.
- 4.10 This review will consider the concerns identified in stage one.

### **Appeal**

- 4.11 A student group dissatisfied with the outcome of review stage two may appeal against the decision to a panel formed of 3 members of the Board of Trustees.
- 4.12 Notification of intent to appeal will be delivered to the Union President by email or other means within 5 working days of the outcome of stage two. The notification shall clearly set out the reason for the appeal and all information that the student group would like to present to the panel for consideration.
- 4.13 The panel will convene, physically or virtually, within 5 working days of the notification of intent to appeal to consider the information provided.
- 4.14 Reviewers from stage 1 and the relevant Sabbatical Officer will report to the panel the concerns identified and how the reviewing decisions were arrived at.
- 4.15 The panel may decide to:
  - (a) Uphold the appeal and allow the student group to publish the content;

(b) Uphold the decision of stage two of the review process.

4.16 Staff or Trustees previously involved in the review of the work in question may not either sit on or support the work of the panel.

## **5.0 Distribution**

5.1 The Union will be aware of how and where content is being distributed once published.

5.2 How and where content is distributed may have a financial and legal impact on the Union.

5.3 The Union will oversee the production of all printed content. Agreements to print will be made by a member of appropriate Union staff with the student group.

5.4 Online distribution is an effective, low-cost option for published content.

5.5 The Union will be able to access and remove content published on any Student Group website should to the need arise.

5.6 Content violating the terms of this policy, illegally infringing upon the law, or otherwise posing a risk of doing so will be removed.

## **6.0 Training & Support**

6.1 The Union promotes a policy of student leadership and will support students to gain skills and experience through their participation in the publication process.

6.2 Training and support will be provided to mitigate the risks in the editing and publication of content.

6.3 The Union will provide students with a comprehensive training programme to develop skills and knowledge in this area.

6.4 It will be the responsibility of staff selected by the Deputy Chief Executive, with support from colleagues, to create and deliver the training programme.

6.5 Training will include as a minimum: Media Law, Design Skills, Interview Skills, Content Approval Processes.

## **7.0 Complaints Procedure**

7.1 An individual who believes that work published by the Union is in violation of either their rights or the law can submit a complaint to the Union in accordance with Bye-Law 13 Complaints and Disciplinary Procedures.

# Appendix 1 – Content Review Process

