

Publishing Policy

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Responsible for implementation:	Chief Executive
Responsible for interpretation:	Board of Trustees

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It is a company limited by guarantee registered in England and Wales (company
number 10834450), whose registered office is at Cx118 (Tait Building), Northampton
Square, Islington, London, EC1V 0HB.*

Publishing Policy

1.0 Scope & Background

- 1.1. The Union engages in a wide range of activity, with students at the heart of it. This can 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 the risk and its responsibilities, this policy outlines its approach to publication of all material.
- 1.3. This policy defines content as journals, articles, opinion pieces, reviews, reports or statements, or similar.
- 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 aims to clearly outline the risks involved in publishing content, the processes and principles for publishing & broadcasting of created work to mitigate those risks and the process to deal with complaints.
- 1.6. The Union recognises the benefit of supporting editorially independent Student Groups and will carefully weigh that against its responsibilities to its members and for compliance.
- 1.7. The Chief Executive will determine who the appropriate member of staff is to support the publishing process.
- 1.8. Staff, collectively and individually, employed by City, University of London on behalf of the Union cannot be commented on in any publication as those staff do not have a right to reply.

2.0 Risk

- 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, anyone who repeats a libellous comment has a liability for it. This includes sharing digitally through the web or social media.

Main Defences

- 2.6 Justification - Truth is a complete defence against libel action, however the truth of a defamatory statement must be proved to dispel the accusation.
- 2.7 Absolute Privilege - Absolute Privilege is when reporting on court proceedings, however the report must 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. Reporting must be fair, accurate, in the public interest and without malice.
- 2.9 Honest Comment – This is a defence of free expression of opinion. The comment must be clearly identified as an opinion and be based on true or privileged facts.
- 2.10 Time Limit – In England & Wales this is 12 months from publication, broadcast or distribution online.

Malicious Falsehood

- 2.11 Malicious Falsehood is the reckless publishing of statements that are not defamatory but which could affect an individual's livelihood. It is the responsibility of the claimant to prove the statement is false, caused them loss and was made maliciously.
- 2.12 Penalties can be substantial if loss is identified in these cases. Mitigation should be undertaken before legal proceedings if possible, such as corrections.

Copyright

- 2.13 Copyright is law that protects intellectual property.
- 2.14 A copyright owner can claim substantial damages for material used without permission.
- 2.15 Material protected by copyright includes literary, dramatic, artistic, musical works, sound recordings, photography, film, broadcast or typographical arrangement (layouts).
- 2.16 Material does not need to be registered to be protected by copyright
- 2.17 There is no copyright in facts, news, ideas or information, however the exact words used to convey these are.
- 2.18 Material is protected by copyright until the authors death and then for 70 years from 31st December of the year of death. Broadcast copyright is 50 years from date of broadcast.
- 2.19 Online content, including social media is not copyright free and should be treated the same as printed or broadcasted material.
- 2.20 Creative Commons, and databases associated with this, provide access to copyright free materials, predominately photographs.

Defences

- 2.21 Fair Dealing – Copyright is not affected if the replication is used for non-commercial research or study, criticism or review, or for the reporting of current events. 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 is a criminal offence and is dealt with by fines.
- 2.23 Content that has a substantial risk of serious prejudice or serious impediment to active proceedings will breach contempt. They could prevent a witness giving a true testimony or a jury reaching a true verdict.
- 2.24 Contempt is only an issue upon the arrest of an individual or an arrest warrant has been issued.
- 2.25 Content should avoid describing or identifying an individual involved in criminal proceedings, especially where eyewitnesses are involved and their memory of a crime could be affected by publication of details.
- 2.26 Content should avoid assumptions of guilt or character assassination which could lead to an unfair trial.
- 2.27 Contempt is also committed by disobeying a court order, such as an injunction.

Privacy

- 2.28 The European Convention on Human Rights provides individuals with a right to privacy.
- 2.29 Privacy can only be breached if it can be shown to be in the public interest to do so.
- 2.30 Examples of matters which are often regarded as being private are; Family life and children, sexual relationships, health, religion, commercially confidential relationships, employment relationships. This is not an exhaustive list.
- 2.31 Permission should always be sought when publishing private information, or a valid public interest reason is evident.

Victims, Children and Vulnerable People.

- 2.32 When reporting on crime or court proceedings, there are laws beyond Contempt of Court which protect those involved.
- 2.33 Victims of sexual offenses are given anonymity as soon as they report the offence, to any third party not just the authorities. Anonymity lasts for the victim's lifetime, regardless of the outcome of criminal proceedings.
- 2.34 Anonymity can be lifted if an adult victim gives written consent.
- 2.35 Defendants in sexual offence cases do not get anonymity.
- 2.36 It is a criminal offense to identify a victim of a sexual offense. Sometimes the prosecuting authorities with charge not only the publication, but also its editor, or other responsible manager. The penalty is usually a fine, but could be a conviction.

3.0 Publishing & Broadcasting

Principles

- 3.1 The Union believes all published media content should be created based on the Independent Press Standards Organisation Code of Practice.
- 3.1.1 Where conduct falls outside the bounds of this policy, the Independent Press Standards Organisation Code of Practice should be used as a guide.
- 3.2 The Union will ensure student journalists have the right to access information to inform the student community
- 3.3 The Union will uphold student journalist's right to report independently.
- 3.4 The Union believes all academic publications should be published to a high standard and that peer-review takes place where applicable.
- 3.4.1 The Union will seek advice from colleagues at City to support the peer-review process.
- 3.5 The Union believes that accuracy is the single most important principle in publishing content.

Risk Management

- 3.6 The Union, as the publisher of material, must effectively manage the potential for the risks outlined in this policy.
- 3.7 Ultimately the Board of Trustees are responsible for ensuring the Union is lawful when fulfilling its charitable objectives.
- 3.8 The processes outlined in this policy allow Student Groups to conduct their activities, whilst balancing the legal risks associated with publishing content for the view of the general public.

Risk Rating

- 3.9 The Board of Trustees will review the Risk Rating of Student Groups based on their publications 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) - The higher the 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 - If students have not been adequately trained in areas outlined by this policy will mean higher foreseen risk.
- 3.11.5 Academic Oversight – If the Student Group has a written agreement and process in place by which a City, University of London academic has involvement and oversight of the content creation and review, will lower the foreseen risk.
- 3.11.6 Professional Oversight – If the Student Group has a written agreement and process in place by which a qualified and/or experience professional has involvement and oversight of the content creation and review, will lower the foreseen risk.
- 3.11.7 Complaints Procedure – The Student Group must have an approved complaints procedure in place to deal with any issues arising from published content. The existence of this procedure will lower the foreseen risk.
- 3.12 The Risk Rating will determine which process should be undertaken for content review.
- 3.13 It is the responsibility of the Vice President Activities & Development, 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 done 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 are not able or do not have the knowledge in which to make a decision on the legal implication of content.

- 4.4 To ensure that proportionality is taken into account, the approach of content reviews will depend on the Risk Rating;
- 4.4.1 Low Risk - For all content created by a Student Group rated as Low Risk, the editor should refer any article or publication of concern or issue to the appropriate staff member for review before publication.
- 4.4.2 Medium Risk - A defined list of content types along with any highlighted content by the editors will be reviewed before publication. This list will include, but not limited to; political, opinion, review, satirical and investigatory pieces. It is the duty of the editors to ensure that content is categorised appropriately and this is reviewed by the appropriate staff member regularly.
- 4.4.3 High Risk - All content created by a Student Group rated as High Risk will be reviewed by the appropriate staff member.

Review Process

- 4.5 Upon receiving an article or publication for review, the Union will conduct a review to identify if that piece contains any content which could result in the risks outlined above. Each review stage will examine whether any of the risks outlined in this policy have been breached, and therefore the legal implication and if the IPSO code of conduct has been followed effectively.
- 4.6 At each review stage, there are three outcomes which are:
- (a) Content Approved,
 - (b) Further Approval Needed; or
 - (c) Content Rejected.
- 4.6.1 If content is approved then the content can then be published by the Student Group.
- 4.6.2 If the content is rejected, it cannot be published in its current state. It will be returned to the Student Group with rationale for the rejection and suggestions to remedy this. Once amendments have been made the content can be resubmitted for review to the appropriate stage which made the recommendations.
- 4.6.3 If content needs further approval, it will pass to the next stage review with guidance from the previous stage(s).

Review Stage One

- 4.7 The first stage review will be conducted by the appropriate member of staff and will normally take place within 2 working days of submission to the Union.
- 4.8 A student group dissatisfied with the outcome of review stage one can request that the content is considered under review stage two.

Review Stage Two

- 4.9 The second stage review will be conducted by the Vice President Activities & Development, or another Sabbatical Officer in their absence. This will normally be conducted within 3 working days of the original submission.
- 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 can appeal the decision to a panel formed of 3 members of the Board of Trustees.
- 4.12 The appeal must be emailed to the Union President within 5 working days of the outcome of stage two. The email shall clearly set out the reason for the appeal and all information that the student group feel the panel need to consider.
- 4.13 The panel will convene, physically or virtually, within 5 working days of the appeal to consider the information provided.
- 4.14 The appropriate staff member and Vice President Activities & Development should provide the panel with the concerns that they identified that led to the decision that was made.
- 4.15 The panel can 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 piece of content in question cannot be either part of or support the work of the panel.

5.0 Distribution

- 5.1 The Union should be aware of how and where content is being distributed once published
- 5.2 Distribution can have a financial and legal impact on the Union.
- 5.3 The Union should oversee the production of all printed content. Agreements to print should be made by a member of Union staff.
- 5.4 Online distribution is an effective and low cost option for published content
- 5.5 The Union must be able to access and remove content being published on any Student Group website should it need to.
- 5.6 Removal of content will only be done if it is proved to be illegal or breaching a risk outlined by this policy.

6.0 Training & Support

- 6.1 The Union is committed to ensuring that all publications are student-led and students gain skills and experience through their involvement.
- 6.2 The Union believes that training and support is a key part of risk mitigation in 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 the appropriate staff member, with support from colleagues, to create and deliver the training programme.
- 6.5 Topics will include as a minimum; Media Law, Design Skills, Interview Skills, Content Approval Processes.

7.0 Complaints Procedure

- 7.1 An individual who believes a piece of content has breached their rights or the law, should be able to submit a complaint to the Student Group directly.
- 7.2 All Student Groups must have a complaints procedure, which details the responsibilities for investigating and resolving the complaint. This complaints procedure must be approved by the Vice President Activities and Development.
- 7.3 A complaints procedure must follow these guidelines;
 - 7.3.1 Have a central contact for all complaints
 - 7.3.2 Have a timeline for resolution of complaints, no longer than 48 hours.
- 7.4 If an individual wishes to complain over the result or the process undertaken following their complaint, a complaint should be made in line with Bye-Law 13: Complaints and Disciplinary Procedure.

Appendix 1 – Content Review Process

