
Student Protests Policy

Student Policy Group

1. Purpose:

The University provides an environment in which the freedom of expression is encouraged. It accepts that this means students will not always agree with University actions and policies and that they may seek to use the University as a site to express, via protest action, their views on a range of issues. The University is typically the target and/or location of protest action by students once or more each year.

While striving to be tolerant of protest action, and respecting the right of students to protest, the University management must also be mindful of the need to preserve the welfare of the wider University community and of its accountability for the use of public funds as set out in section 181 of the [Education Act 1989](#). These issues mean that protest action must occur within acceptable boundaries.

When protests do occur, the Vice-Chancellor and his or her delegates are required to address the situation such as to achieve the best possible outcome for the University as a whole. To that end, the purpose of this policy is to set out the University management's general expectations and likely responses. It is designed to help provide clarity for the protesters and other members of the University community. Nothing in this policy is intended to fetter the legal rights of any members of the University community.

2. Organisational Scope:

This is a University-wide policy. It applies to all students involved in protests on the University's physical or technological property.

3. Definitions:

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

- Protest: The display of objection to an issue (typically Government or University policies or practices) designed to express an opinion and/or generate public and/or media attention. This may take a number of forms, including marches, pickets, rallies, occupations etc.
- Protest Leaders: Those people who are nominated by the group to, or hold themselves to, or are deemed to, have responsibility for the organisation of the protest.
- Protestors: Those people who participate in favour of the protest (recognising that there may be factions within a protest, or more than one protest simultaneously).

4. Policy Content and Guidelines:

4.1 Core Principles

- (a) Students are part of the University community and have the right of lawful access to the University land and buildings other than personal work spaces and other areas to which the University restricts access in the exercise of its normal responsibilities (e.g. the Cashiers, for the purpose of protecting public finances, or staff offices where files are held, for the purpose of protecting personal privacy).
- (b) All staff, students and other persons legitimately occupying VUW land and buildings have the right to a safe environment at all times.
- (c) The University has the right to go about its business and not be subjected to unreasonable disruption of, or increased cost associated with, the conduct of its business and delivery of services to students, staff and the wider community.
- (d) The University promotes and recognises the principle of academic freedom as per Section 161 of the [Education Act 1989](#).
- (e) Non violent protest action on University property and buildings (other than restricted locations) by students which is lawful and does not involve property damage or unreasonable disruption to the daily routine of management, academic staff, general staff and other persons legitimately on University land and buildings does not constitute a trespass.
- (f) For an action to constitute non-violent protest action, the protestors must avoid:
 - (i) Actions that cause harassment or physical harm to any person or subject a person to abuse or intimidation or cause them to be fearful for their own safety or the safety of others; and
 - (ii) Actions that cause or are likely to cause damage to any property.

4.2 Situation Management

In the event of a protest, the University will act as follows:

- (a) Upon notification of a protest, the Vice-Chancellor or his or her delegate will provide the protest leader(s) with a copy of this policy and will ask the protestors to abide by it.
- (b) The Vice-Chancellor will appoint a person or persons to liaise between the University and the protestors. The protest leader(s) would be asked to similarly nominate a liaison person or persons. The purpose of liaison people is to enable avenues of communication during the protest and to negotiate in good faith a resolution to the situation.
- (c) University staff, including security staff, will be instructed to avoid actions that cause harassment or physical harm to any person or that cause any person to be fearful for their own safety or the safety of others.
- (d) The use of private security guards by VUW will be kept to a minimum and will remain under the direction of Campus Care staff.
- (e) Where practicable, and particularly where potential exists for disruption to University activities, the protest leader(s) must make reasonable efforts to provide the University management, normally through the Vice-Chancellor, with reasonable notice of protest action.

4.3 **Media**

- (a) As per usual University practice, media access is generally permitted on request to the Director, Communications and Marketing. However, the University reserves the right to withhold or withdraw this permission with respect to any or all of the University's premises at any time.
- (b) The University's Director, Communications and Marketing has responsibility for liaising with the media on behalf of the University.

4.4 **Prohibited Activities and Situations**

- (a) In the interests of the well being of its community and the safeguarding of its property or property that it holds in trust, the University will not tolerate some activities or situations. These activities include, but are not restricted to, activities or situations in which VUW management believes with good reason that:
 - (i) Staff or other persons lawfully on University land or buildings are being, or are likely to be, intimidated or harmed; and/or
 - (ii) There is damage occurring, or likely to occur, to University property, including intellectual and electronic property or threats to system integrity and denial of service; and/or
 - (iii) A criminal act or other breach of any statute or regulation is occurring or is likely to occur; and/or
 - (iv) Security, laboratory and fire safety systems are being interfered with; and/or
 - (v) The protestors actions constitute a risk, or are likely to constitute a risk, to the health, welfare and safety of any persons, particularly as set out in the [Health and Safety in Employment Act 1992](#); and/or
 - (vi) VUW staff or students are unreasonably prevented from going about their lawful business.
- (b) In the event that a situation described in clause 4.4(a)(i)-(vi) of this policy arises, the Vice-Chancellor or his/her delegate will request those protesters who are students of the University to leave the premises of the University or any designated part thereof, or face interim exclusion from the University under clause 4.5.3 of the [Student Conduct Statute](#).
- (c) If any protester who, pursuant to clause 4.4(b) of this policy, has been asked to leave the premises of the University or any designated part thereof refuses or fails to do so, the Vice-Chancellor or his/her delegate may:
 - (i) Exclude the protester from attendance at the University, or from particular classes, for a period up to two weeks; or
 - (ii) Exclude the protester from any part of the University for a period up to two weeks.
- (d) In the event that any protester who, pursuant to clause 4.4(c) of this policy, has been suspended or banned from the University or any part thereof refuses or fails to comply with the interim exclusion notice, the Vice-Chancellor or his/her delegate may serve on the protester a trespass notice warning the protester to stay off the premises of the University for a period of up to two years.
- (e) Clause 4.7 (Appeals) of the [Student Conduct Statute](#) applies to action taken under Clauses 4.4(c) and (d) of this Policy.

4.5 Restricted Sites

There are a number of locations that protesters will not be permitted to occupy under any circumstances. Any occupation of those sites will result in immediate notification of trespass, a warning to leave and subsequent removal if the protestors neglect or refuse to do so. These include, but are not restricted to, the following types of locations:

- (a) Laboratories, dangerous sites or sites where dangerous goods are stored
- (b) Individual staff offices
- (c) Sites where communication and/or information technology services are controlled
- (d) Sites where confidential information is located
- (e) Sites involving cash handling or where significant finances are controlled

4.6 Involvement by VUW of Police and other external parties

University management will normally endeavour to resolve protests without involving the Police and/or other relevant external parties. However, the Vice-Chancellor or his/her delegate reserves the right to invite the Police on to University property for any reason, and particularly when any of the activities outlined in clause 4.4(a) arise.

4.7 Breaches

Breaches of this policy by students are actionable under the [Student Conduct Statute](#).

4.8 Reparation

Recovery of costs, such as damages or Fire Service callout charges, may be sought from any person or group identified as contributing to these costs being incurred by the University.

4.9 Representation

Students are entitled to representation and advice on this policy from their Students' Association.

5. References:

[Education Act 1989](#) (as amended)

[Health and Safety in Employment Act 1992](#) (as amended)

[Trespass Act 1980](#) (as amended)

[Student Conduct Statute](#)

Previous Version: [Student Protests Policy](#)

6. Appendices:

None

7. Approval Agency:

Vice Chancellor

8. Approval Dates:

This policy was originally approved on: 12 Dec 2001

This version was approved on: 21 Nov 2007

This version takes effect from: 21 Nov 2007

This policy will be reviewed by:

21 Nov 2009

9. Policy Sponsor:

Director, Facilities Management
Ext. 5142

10. Contact People:

The following person may be approached on a routine basis in relation to this policy:

Dave Povey
Deputy Director, Facilities Management
Ext. 6604

The following people can be contacted for advice and representation from the Victoria University of Wellington Students Association:

Education Coordinators
VUWSA
Ext. 6983 or 6984
education@vuwsa.org.nz