

Document details

Document Reference	Code of Conduct on Protests
Document Status	Approved
Document Owner	Director of Strategic Planning and Governance
Review Period	Every 3 years
Date of First Approval	January 2019
Date of Next Review	January 2025 (extended due to Parliamentary consideration of the <i>Higher Education (Freedom of Speech) Bill</i>)
Version Number	1.0

Version Control

Version	Date	Description of changes and name and job title of person responsible for making changes
0.1	December 2018	Creation of Policy by Simon Jennings, Director of Strategic Planning and Governance
1.0	January 2019	Simplified Code of Conduct on Protests that more tightly focused on the practical steps a member or staff or a student should take in relation to a protest. Approved by Council, 25 January 2019. The code was implemented from 1 February 2019.

Referenced policies and documents

[Code of Practice on Freedom of Speech](#)

Code of Conduct on Protests

Introduction

1. The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfil this function, a free interchange of ideas is critical both within the University and with society at large. At Lancaster University, freedom of expression within the law is fundamental within our values and behaviours and we are committed to promote freedom of thought and to encourage debate.
2. As part of this commitment and where it is judged reasonably practical to do so, the University will not unduly hinder staff or students who want to undertake planned peaceful protests and orderly demonstrations while also ensuring that the University's operations are not unreasonably disrupted, that it can continue to meet its various legal and contractual duties and that health and safety is not compromised. This Code of Conduct sets out the University's requirements and expectations in this area.

Specific context

3. Clearly the University's commitment to freedom of speech within the law takes place within the wider context of the UK's legislative framework, elements of which are referenced below. Within a university context there are two specific additional areas of regulation which relevant to this code. The first of these is the Office for Students' expectation that the University's governing body (i.e. The Council) take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider'. The second is the University's responsibility under the Prevent Duty which requires the University 'to have due regard to the need to prevent people from being drawn into terrorism' and related considerations about freedom of speech and speakers.

Scope

4. This code of conduct applies to all staff and students located at (or planning to protest at) the University's Bailrigg campus and should be read in conjunction with Student Discipline Regulations, relevant HR policies and procedures and the Code of Practice on Freedom of Speech, (which also incorporates the external speakers policy). This code sets out the University's approach to accommodating protest and/or demonstrations and identifies matters which must be considered when a protest is being arranged. For the avoidance of doubt, the scope of this code does not include lawful picketing on days of strike action by University staff that has been arranged in support of official industrial action by the recognised trade unions.

Principles

5. Under Articles 10 and 11 of the European Convention on Human Rights (ECHR), everyone has the right to a freedom of expression and the freedom of assembly and association. The right to freedom of expression can, on occasion, be restricted, for example where it interferes with the rights of others.
6. Decisions taken by the University in relation to staff or student protests will be informed by the following.
 - A recognition that the right to protest is a legitimate element of democratic participation.
 - A presumption that protests should not be unduly hindered so long as they meet legal requirements and the requirements detailed in this code.
 - The expectation that any University response to a protest will be proportionate and that a decision about whether a protest is to be permitted will be informed by whether the steps necessary to enable it (including costs such as staff time) are judged to be 'reasonably practicable'.
 - A recognition that advanced notice of a protest in line with this policy assists the University in taking reasonably practicable steps to enable a protest to proceed.
 - A respect for the right of others, including non-protesting staff, students and visitors, to go about their lawful business unhindered.
 - A recognition that the law restricts freedom of expression in the interests of promoting equality, diversity and the avoidance of violence and damage to property.
 - A respect for the University's own regulatory framework, which has legitimacy through the powers granted in the Charter and Statutes and permits the University to formulate internal, domestic rules and procedures for the University community.

Procedures

7. Operational responsibility for overseeing implementation of this Code of Conduct in respect of protests and demonstrations on University premises, and for ensuring that organisers of protests and demonstrations follow the provisions of the protocol, lies with the Registrar of Meetings¹ or their nominee (referred to hereafter as the 'Responsible Officer').

¹ Currently, the Registrar of Meetings is the Director of Strategic Planning and Governance.

8. When planning and executing a protest, student and staff organisers must ensure the following.
 - The protest or demonstration prioritises the safety of those involved, as well as the safety of those not involved in the protest, including those who may disagree with the position taken by the organisers (i.e. the potential of a counter protest).
 - The protest or demonstration permits the continued operation of University functions, i.e. permits students, staff and visitors to freely move about campus; allows lectures and university events to continue unhindered and uninterrupted (including excessive noise in or intruding into buildings); allows other students, staff and visitors to conduct their business; allows entrance and egress from University grounds as needed.
 - The protest or demonstration respects University property and the property of others.
9. Failing to follow these requirements could lead to the Principal Organiser and/or other members of the protest being subject to action under the relevant disciplinary regulations and, in serious cases, potential legal action.

Responsibilities of Protestors

10. Students or staff arranging protests or demonstrations on University premises must designate a 'Principal Organiser', who will be responsible for ensuring that the event is in line with the expectations of this Code.
11. Advance notice of planned protests must be provided. The University's expectation is that such notice will normally be provided not less than seven calendar days in advance of the event in question. It is the responsibility of the Principal Organiser to liaise with the Responsible Officer in order to provide a suitable risk assessment. This will involve responding to the reasonable requests of the Responsible Officer and to ensuring details about the nature and theme of the event are provided in a timely and appropriate manner. This process will be assisted by the completion and submission of the form at Annex A at the earliest opportunity.
12. Upon receipt of information and in consultation with others as required, the Registrar of meetings will liaise the Principal Organiser to:
 - agree the time, location, duration, route and other operational requirements for the protest/demonstration;
 - advise on the University's expectations for the required risk assessment;
 - determine any additional actions necessary to ensure that the protest/demonstration meets the requirements listed above;
 - Inform Security (and other staff, or relevant external agencies as necessary) to ensure that they are aware and can take any reasonable action.

13. The University will endeavour to agree arrangements which permit legitimate protest without disrupting the normal working of the University or moving outside the law. Nevertheless, the University reserves the right to modify and/or prohibit a protest. The Responsible Officer will typically base a decision to prohibit a protest where:
- it is judged a planned activity would be unsafe, would present an unacceptable disruption to business; or
 - insufficient guarantees can be provided that the protest will remain within the law; or
 - when there is a reasonable likelihood that the protest will lead to damage to persons or property; or
 - when the estimated cost of facilitating the protest is deemed to be disproportionate or extend beyond what is judged to be 'reasonably practicable'; or
 - the activity is judged to constitute a breach of the Equalities Act or otherwise interfere with the University's various legal duties.
14. Should it be the determination of the Responsible Officer that the protest and/or demonstration will not be permitted, the Registrar will provide the Principal Organiser, in writing, a rationale for the decision, normally within two working days. Where the Responsible Officer judges it appropriate, such a communication may include suggestions for alternate arrangements which would enable the event to continue, albeit in a revised form.
15. Principal Organisers should be aware that if a protest that is being arranged away from University premises and become a procession in public areas, it is a legal requirement that the Police are notified in writing six days in advance of the event by the event organiser.

Counter-protest

16. A protest, demonstration, or event on campus may, on occasion, invite a counter-protest from those who hold an alternative point of view. When these occasions arise, the ability of all parties to safely and effectively express their views will be a primary consideration. Where applicable the Registrar of Meetings may insist on separate protest areas for those persons with views that differ from the views held by the event organisers. In order to ensure the safety of all participants, Campus Security or contracted external security provider may be in attendance. If it is deemed appropriate, external agencies may also be informed.

Notice of planned protest: information form

1. ORGANISER DETAILS	
Principal Organiser's Name:	
E-mail:	
Telephone number:	
2. PROTEST DETAILS	
Protest title (or focus/topic):	
Name of organising group (where relevant):	
Planned date and time (from setup to conclusion):	
Planned location:	
Description of planned format (please provide details of e.g. use of banners, megaphones, intention to march and route):	
Will those protesting be asked to register in advance?	
Anticipated numbers attending:	
Is attendance by third parties (i.e. individuals who are neither staff, nor students) anticipated?	

3. OTHER DETAILS	
Is the subject of the protest controversial and/or is a counter protest likely?	
Will the protest involve any external speakers? If YES, an External Speaker form must be completed and submitted for approval.	
Has a risk assessment been already been undertaken? If YES, please supply this. If not, please be aware a risk assessment will be required prior to approval	
4. EVENT PROCEDURE AND PROMOTION	
How will the event be advertised and in what language(s)?	
What promotional material will be available at the event?	
Does this event pose a possible threat of disruption and if so why?	
Is the media expected to attend?	
Provide details of any event sponsor(s)	

Will the event be broadcast/live streamed? If YES, please provide details.	
<i>PRINCIPAL ORGANISER TO READ AND SIGN:</i> <i>I have read the Code of Conduct on Protests and the Code of Practice on Freedom of Speech and confirm that this event and any speakers will adhere to the relevant regulations of the University. I will resubmit this form if any declared details in this submission change prior to the event taking place.</i>	
SIGNED:	DATE: