

## University of Sussex

### Protocol for managing protests

#### 1. Purpose and scope

This protocol sets out specific understandings between the University and USSU to guide the approach and actions of both parties in situations relating to protest gatherings and/or actions on campus. The University firmly supports the rights of students to make their voices heard in legitimate ways, and these understandings are not intended in any way to silence, suppress or discourage legitimate debate, free speech or free association by students. The use of this protocol is restricted to cases where the protest intentions in question have the potential to create a situation that is confrontational. It applies (with appropriate changes) whether the action in question is officially led or supported by USSU, or not.

The general aims of the protocol are to:

- create an agreed understanding of the nature of acceptable and unacceptable types of protest actions by students, and the dividing-line between the two;
- to ensure good communications about protest situations between the University and USSU, and between both parties and the Sussex community;
- to minimise unnecessary confrontations, and avert actions and outcomes which cross the line of acceptability;
- to set out the general approach that the University will take in the aftermath of episodes that, in the University's view, cross the line of acceptable conduct, so that there is clarity about consequences.

#### 2. Protest action: context and acceptable boundaries

The University seeks to listen and respond to the needs and views of students, who are represented by USSU. The University naturally prefers to conduct that work through established mechanisms for communication, consultation and negotiation, but accepts that there are occasions when some students will perceive a need to make point(s) - whether aimed at the University or elsewhere - via protest gatherings/ events. When such events are conducted in a peaceful and reasonable way, the University does not perceive them as problematic, however critical the messages involved may be. However, protests can become confrontational and unacceptable when they happen in places and ways that affect other members of the University community, and when lines of acceptable behaviour are crossed in these ways:

- Violence;
- Intimidation (ie. seeking to influence someone by actual or implied violence or blackmail);
- Harassment (ie. attacking someone's personal dignity by verbal or physical abuse that is intimidating, hostile or otherwise offensive);
- Disruption to services or routes of movement that other members of the University community are entitled to access;
- Damage to University or individual property;
- Illegal entry to buildings, areas within buildings or other spaces;
- The incurring of costs simply to prevent or mitigate one of the unacceptable outcomes above.

Appendix A of this document sets out some specific and agreed interpretations of these precepts.

Less clear-cut, but necessary to mention, is the issue of protests involving participants who are not current members of the University community. Where the event in question is peacefully and reasonably conducted, the attendance of non-University members in 'solidarity' is not normally problematic. However, where the conduct of a protest becomes confrontational and unacceptable, the presence of non-University participants is unhelpful and problematic to all parties. It obscures the extent to which the protest is genuinely supported by Sussex students. It involves people who do not necessarily have a stake in resolving the issues. It can be problematic in terms of insurance cover in the event of personal injury or loss, and it means that the only route for the University to levy sanctions is serious and costly court action.

### 3. Protocol for University/USSU liaison about a protest

**3.1 Notification:** both parties commit to notify the other as soon as they become aware of the likelihood of a protest gathering/event on campus, and to share as much practical information as possible with regard to: protest aim(s)/grievances, timing, numbers involved, location/any targeted physical spaces. The USSU will also signal its stance in relation to the event. The aim here is not to single out organisers or participants, but to try to gather the information necessary to make the risk assessment below. The normal route of communication at this stage will be between *[to be completed]*

**3.2 Liaison and risk assessment:** both parties will make every effort to liaise quickly and constructively to assess the risk that the protest in question could become confrontational and problematic. If the risk seems high (to either party), there will normally be a meeting of sub-groups of the USSU and University executive teams; otherwise, the liaison will be 'virtual'.

The aim of this liaison is to try to jointly assess whether there is a significant risk that the protest in question may cross the lines of unacceptable behaviour covered in section 2 above. The outcome of this liaison will fall into these categories, which in turn should lead to the action specified:

Risk assessment	Outcome
a) Both parties agree that the risk of problems is low.	No further action
b) Both parties agree that the risk of problems is significant.	Both parties issue statements making it clear that the protest action is not acceptable as currently planned, because it does not conform to this protocol. USSU will clearly state that it does not support this action. Both parties will seek to influence the organisers to cancel or change the format of the protest. This may include seeking to exclude non-University participants.  The University will consider 'defensive' steps. The sanctions for those ignoring these warnings will be made clear.
c) The University believes the risk to be significant, but USSU disagrees.	The University will issue a warning statement, consider appropriate defensive steps and will clarify potential sanctions.  USSU will issue a statement to the effect that although it does not share the University's risk assessment, it expects participants to abide by the precepts of this protocol, and will seek to influence participants accordingly. This may include seeking to discourage non-University participants.

### 4. Consequences and sanctions

During the course of a protest assessed as presenting a high risk, the University reserves the right to take steps to record events for later use in evidence, and to seek to identify the individuals involved. Where the University deems that participants' behaviour has been unacceptable it will take steps to apply sanctions against identified individuals. In doing so, it will look first to its internal disciplinary mechanisms (which will be appropriately adapted to deal with 'group cases' – Appendix B, to be developed). However, if the behaviour in question appears to constitute a criminal offence, then the police and courts will normally be involved, in line with standard disciplinary policy.

**Appendix: specific interpretations of unacceptable modes of behaviour in protests**

[To be developed by agreement]

These interpretations apply to anyone involved in a protest, whether they are participating in the protest, or are present on behalf of the University.

Violence	As well as the obvious reference to fighting or use of weapons, this includes throwing missiles, and any other use of objects as weapons. Violence includes the use of force immediately adjacent to someone (e.g. against a door or window), such that the person feels threatened, whether the force is intentionally directed at the person or not. If in doubt, the legal definition of 'assault' will be used (including spitting at someone, tearing clothes, etc.).
Intimidation	Intimidation involves seeking to influence someone by actual or implied violence or blackmail. In the context of a protest, this includes aggressive behaviour by individuals or groups; not permitting others to speak; shouting down those who speak; making threats under one or more of the other headings.
Harassment	Harassment involves attacking someone's personal dignity by verbal or physical abuse that is intimidating, hostile or otherwise offensive. In the context of a protest, it is about crossing the line between debate (rational disagreement) and personal abuse.
Disruption to services or routes of movement that other members of the University community are entitled to access	Examples of unacceptable effects of protests include: students not being able to access key services; students or staff being prevented from entering or exiting University buildings, or feeling intimidated to the same effect; students or staff having their entry to or exit from the campus blocked or hampered. This concern is especially acute for the many students and members of staff whose arrangements for caring for children or other dependents are time-critical and cause great anxiety.
Damage to University or individual property	As well as the obvious meanings, this includes action such as splattering clothing/belongings with paint etc.
Illegal entry to buildings, areas within buildings or other spaces	In general, the occupation of University buildings is not acceptable because it inevitably involves intimidation (of staff and/or other students) and disruption of services. Often also the incurring of significant costs. The University may deem it necessary to take legal steps to reinforce this, via injunctions, in which case it will seek to make the legal situation clear to protestors.
The incurring of costs simply to prevent or mitigate one of the unacceptable outcomes above.	This can include the costs of security staff, physical barriers, court injunctions, etc.

**Appendix B Use of the disciplinary process in following-up student protests**

[To be developed]