



POLICY AND RULES ON GATHERINGS, DEMONSTRATIONS AND PICKETING

Reference number	1P/1.1.13
Accountable executive manager	Registrar
Policy owner	Registrar
Responsible division	Registrar
Status	First approval on 21 June 2013 Second review and subsequent approval on 18 March 2019
Approved by	Council
Date of approval	18 March 2019
Review date	2022
Web address of this policy	http://www.nwu.ac.za/gov_man/policy/index.html
Address on the policy data base	(10935746) H:\HSC\2. Management\2.1.3 Policy management\Beleide\Raad 2019\1P/1.1.13_demonstrations_e.docm Maart

POLICY AND RULES ON GATHERINGS, DEMONSTRATIONS AND PICKETING

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the council of the North-West University (NWU) has, in terms of paragraph 7(1)(c) of the Statute, adopted this policy and rules on gatherings, demonstrations and picketing on 18 March 2019.

1 Interpretation and application

This policy and set of rules must be interpreted and applied in a manner consistent with the -

- 1.1 Constitution of the Republic of South Africa, 1996;
- 1.2 Regulation of Gatherings Act, 205 of 1993;
- 1.3 Firearms Control Act, 60 of 2000;
- 1.4 Liquor Act, 59 of 2003;
- 1.5 Statute of the North-West University 2017.

2 Definitions

In this policy and rules any word or phrase has the meaning ascribed thereto by Act 205 of 1993 unless the context indicates otherwise, and –

“**a NWU organisation**” means any registered student structure affiliated to the Students' Campus Committee of any campus of the NWU, or a trade union recognised by the NWU;

“**a protest**” refers to a public statement of objection, approval or disapproval by an assembly of employees or students of the university, including a demonstration, gathering, and picket;

“**convenor**” means any employee, student or NWU organisation responsible for convening a protest;

“**demonstration**” means a meeting of fewer than 15 (fifteen) persons held to bring to the attention of the University Management Committee (UMC) their views in regard to some specific cause;

“**gathering**” includes a meeting, demonstration, march or picket line on or in close proximity to any property of the university, consisting of more than 15 (fifteen) persons held to participate, as a means to bring to the attention of the UMC their views in regard to a specific cause;

“**marshal**” means a person appointed by the convener for a specific event to control the participants in a protest to ensure that a protest proceeds peacefully at all times, and who must at all times be clearly distinguishable as a marshal;

“**picketing**” means a protest where participants carry placards, chant slogans and sing and dance in a peaceful, unarmed and lawful manner.

3 Purpose

The purpose of this policy and the rules is to ensure a fair and transparent process according to which gatherings, demonstrations and picketing by NWU employees and students are managed.

4 Policy statement

It is the policy of the NWU to –

- 4.1 recognise, subject to the limitations of the law, the constitutional right of all employees and students of the NWU to assemble peacefully on or in close proximity to any property of the university in order to express their views on any matter, and to
- 4.2 provide such protection as may be within the power of the university to employees and students assembled as contemplated in 4.1, and to employees and students not participating in such assembly.

5 Rules for gatherings, demonstrations and picketing

5.1 Notice and application for approval of a protest

- 5.1.1 A convenor must, at least seven days prior to the intended protest, give written notice with intention to seek written permission to the registrar on the application form prescribed by the registrar, of the intention to convene a protest on or in close proximity to any property of the university.
- 5.1.2 The registrar must consider an application in consultation with the DVC Campus Operations concerned, and may grant or refuse such request within a reasonable time.
- 5.1.3 An application for a protest may be refused and the protest may be prohibited for good reason, including where the possibility exists of injury to persons, damage to private or university property, disruption of academic activities, disruption of the discipline or good order within the university or where disruptive involvement of persons or organisations external to the university may reasonably be expected.
- 5.1.4 If an application is not approved, the registrar must inform the convenor in writing and provide the reasons for the refusal.
- 5.1.5 On approval of an application and prior to the protest a written agreement in the form prescribed by the registrar must be entered into between the convenor and the university.

5.2 Nature of and conduct during a protest

- 5.2.1 The convenor must in the agreement contemplated in 5.1.5, and before the commencement of the protest, –
 - confirm the nature of the intended protest, namely a gathering, picket, march, demonstration or otherwise;
 - give notice of the time and place of commencement;
 - give reasons for the protest;
 - indicate the number of marshals to be appointed;
 - request access to facilities of the university required for purposes other than but related to the protest such as toilets.
- 5.2.2 Regarding conduct during the protest, the convenor must –
 - at all times have a copy of the agreement entered into with the university and the list of appointed and present marshals, at hand;
 - ensure that marshals are identified with full particulars (name, surname, ID number, as well as student or employee number);
 - ensure that marshals monitoring the protest are wearing an identifiable uniform;
 - require marshals to ensure that the rights of others are not infringed by the protest.

5.3 Transgressions

Transgressions by a convenor or participant in a protest whereby the transgressor is exposed to disciplinary measures taken by the university include the following:

- deviation from the agreement contemplated in 5.1.5;
- disruption of academic activities;
- barring of access to university buildings;
- physically preventing employees, students and members of the public from gaining access to or leaving the university;
- intimidation of fellow students or employees;
- damage to any property;
- dumping of rubbish;
- sit-in and hostage taking;

- use of rude and abusive language or offensive gestures;
- comments or public pronouncements that may be detrimental to the good name, order, discipline, and reputation of the NWU;
- unauthorised protests;
- any contravention of a university rule during a protest;
- the carrying of any dangerous weapon;
- the commission of a crime or delict during a protest; and
- violation of the name, honour and dignity of the North-West University, or any of its office bearers, whether in their private or professional capacities.

5.4 Planning, monitoring and liability

- 5.4.1 The registrar is responsible for assisting the convenor to plan an approved protest in cooperation with the relevant DVC Campus Operations and the Director Protection Services, including the venue, route and destination.
- 5.4.2 The Department Protection Services at a particular campus is responsible for monitoring and assessing security risks before and during an approved protest.
- 5.4.3 The registrar liaises with the Director Protection Services to facilitate co-ordination with the relevant authorities, including the municipal authorities and departments and SAPS regarding the allocation, arrangement and facilitation of all procedures regarding an approved protest.

Original details: (10935746) H:\HSC\2. Management\2.1.3 Policy management\Beleide\Raad Maart 2019\1P-1.1.13_Demonstrations_e.docm
25 March 2019

File reference: 1P/1.1.13