

## **annex to and clarification of the Directive for protests at research universities and universities of applied sciences**

Recently, Universities of the Netherlands (UNL) and the Association of Universities of Applied Sciences (VH) issued the so-called *Directive for protests at research universities and universities of applied sciences*. This Directive sets out rules for situations involving a protest taking place at a research university or university of applied sciences.

These rules cover the entire spectrum surrounding protests: from facilitating debate and protest on the one hand to reporting criminal offences on the other. The peaceful conduct of the protest and the safety of all involved are always paramount in this context, as is ensuring that teaching and research can continue undisturbed as much as possible and that buildings are not damaged.

### **Background to the rules:**

The background to the creation of these rules is that research universities and universities of applied sciences are more frequently seeing some form of protest. Protesting as a way for members of the university community to express a form of dissatisfaction is neither new nor forbidden. On the contrary, having debates and hearing critical voices is natural at a university. The Directive provides rules that educational institutions had for some time been looking for. UNL and VH have listed action perspectives based on the idea that protest and debate can take place in a safe and peaceful manner and can and should be facilitated where possible and necessary. Boards of research universities and universities of applied sciences also have a role to play in this if they want it. Moreover, the rules provide clarity for those who want to protest. It goes without saying that, in terms of application and implementation, customisation is required on both sides. The Directive is the basis for this.

Of course, there will be no infringement of the right to strike. Opportunities for peaceful strikes, without any destruction of property, against the terms and conditions of employment policies of research universities and universities of applied sciences organised by the workers' organisations at these collective agreement negotiations will not be curtailed. And to be clear: if there are discussions at local round tables, they are held with the competent participation body (local consultative body, works council, university council, student council, representative advisory council, employee representative advisory council, etc.), and all rules on participation in decision-making are observed.

### **Why is this clarification necessary?**

Why is this clarification necessary? Various parties have raised questions about, for example, the legitimacy or proportionality of the rules in the Directive. The fact that these questions are being raised is absolutely fine; it is also in keeping with the critical attitude that is to be expected in higher education.

For boards of studies, the key point is that they are primarily responsible for the safety of students and staff, buildings and primary processes within them. It is in that responsibility that governance takes shape, as those who do not participate in protests must also be taken into account.

Questions of legitimacy and proportionality therefore seem to stem more from a critical attitude towards the government's scope of action in protests and demonstrations than that they ensure the fulfilment of responsibilities of educational institutions.

That is why this clarification is necessary; most of the rules are not new, but they have now been listed and written down. The institutions want to apply the principles as much as possible, mostly in addition to already existing legislation and house rules, without of course compromising rules and rights arising from the constitutional or any other right to demonstrate.

### **The principles highlighted:**

. Safe and Peaceful: this requires no explanation. Institutions are responsible for ensuring a safe working and study environment for students and staff, including those who do not participate in actions. These agreements are part of this.

. Reporting protest actions: this is not a legal obligation, but it helps both sides fulfil their responsibility of facilitating safe and peaceful protest.

. Occupation of buildings and premises is not allowed. The institutions apply the basic principle that, as owners/users, they do not facilitate occupancy. Buildings and premises are not intended for this purpose either, and safety cannot be assured. This applies to the behaviour of protesters as well: this should not stray beyond what is socially acceptable. Organisers are also points of contact for this.

. Protesting is a right, but it is not an absolute right. Institutions also have responsibilities towards staff and students who do not participate in actions. For example, examinations, thesis defence ceremonies and degree ceremonies must be able to go ahead.

. Face-covering clothing is not allowed. The law is clear on this. Furthermore, participants in protests may be asked to identify themselves. If they are unwilling or unable to do so, they will be asked to leave.

. If a protest does escalate unexpectedly, consultation should take place between the institution's management and the local triumvirate: the mayor, the police and the Public Prosecution Service. The local triumvirate then decides whether action is advisable, and if so, what form this should take. The institutions report criminal offences to the police, after which it is up to the Public Prosecution Service to prosecute if necessary.

With these rules, which are not new, UNL and VH indicate what they envision and what is important in facilitating protests: safety, clarity and peaceful proceedings. And not only for protesters, but for people not participating in protests as well.