

# Management of Contentious Events and Protest – Expectations and Operational Guidelines

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## Background

King's is committed to the principles of Freedom of Expression, a broad concept which includes academic freedom, free enquiry, free speech; freedom of thought, conscience, and religion; and freedom of assembly.

King's staff and students have freedom within the law to question and test received wisdom, and to put forward new, controversial, or unpopular opinions, without placing either their employment or studies at risk. King's supports vigorous debate and welcomes the fact that King's people have a very wide range of views and opinions on social, economic, political, cultural, and religious issues.

These commitments reflect the University mission as well as the various statutory obligations to which we are subject. We recognise that these commitments imply a debate which at times will be challenging and uncomfortable. This is inevitable as contentious topics are debated, views are exchanged and as knowledge develops.

Such freedoms, however, do not give immunity from the law, misconduct under King's regulations, nor from personal liability. King's is obliged under law to ensure that any action, publication, or speech on its premises is lawful, and to protect its staff, students and visitors from victimisation, harassment, or unlawful discrimination.

## Expectations

King's will provide facilities for lawful views to be expressed by students, staff, and invited guests, and for lawful activities to take place on its premises. In offering a platform for the exchange of views, King's is not endorsing any argument or position being taken, rather we are staying true to our mission. In the words of the Kalven Report (University of Chicago, 1967) *"The university is the home and sponsor of critics; it is not itself the critic."*

The university will take all reasonable steps to ensure public order and to prevent crime on its premises; to ensure public safety; and to protect the rights and freedoms of staff, students, visitors, and guests. King's will consult with external agencies as necessary – including the police, public authorities, and government agencies - and will co-operate with such agencies as required by UK law.

The university has a duty to mediate in and ultimately manage situations where the lawful actions of one part of the community have a potentially adverse impact on another or undermine the maintenance of good relations in the university community and beyond. The university has a responsibility to adjudicate in such circumstances, and to balance the opportunity to protest and argue with the expectation of being able to work and study without undue disruption, intimidation or fear.

Whilst appropriate self-moderation and self-regulation on the part of staff and students is assumed and required, the university is ultimately responsible to the whole King's community and must act

accordingly. To that end it has laid down its expectations of individual staff and students as well as institutional expectations and has illustrated the parameters within which it will operate. The following procedures are intended to provide guidance to University Officers, students, and staff. The parameters necessarily take account of a wide range of circumstances, and therefore provide guidance which will need to be interpreted and applied in operational settings. At all times the university will endeavor to respond in a considered and thoughtful way to the sensitive issues which will arise in a large, diverse, and vibrant community.

## **Responsibilities of the University**

The University will permit all events, meetings, protests, or other activities that staff or students participate in, which:

- a) adhere to legal obligations and to University (and where relevant KCLSU) policies,
- b) do not put the health and safety of staff, students, or visitors at risk,
- c) do not impinge on the rights of other members of the community to lawfully express their views,
- d) do not significantly constrain or impact the regular work of the University,
- e) do not materially undermine good community relations.

Where any or all of these requirements are not satisfied, King's will support organisers to ensure these requirements are met. King's will take all reasonably practicable steps to ensure that events can take place. The University reserves the right to reschedule an event which does not conform with the above criteria until such time the non-conformances have been addressed.

Where all reasonably practicable steps have been exhausted, the university reserves the right to cancel an event, but this is a measure of last resort. The default position is that King's will enable all events, meetings, and protests to meet the criteria above and therefore take place.

In keeping with King's policies and expectations around diversity, inclusion and dignity at work, the University commits to the following during any form of event or associated protest:

1. To work collaboratively and in non-confrontational ways with event and protest organisers to ensure events and protests are managed safely for everyone in the campus community.
2. To challenge any behaviours that are not in keeping with University regulations and policies or values.
3. To endeavor to ensure that the University can operate as normal and continue with its lawful business.
4. To manage security at events and protests by providing a safe environment where people meet to speak and act freely, within the law. Where additional security is required, the costs will be underwritten by the University and not charged directly to the event or protest organiser – although should costs become prohibitive, the University will engage organisers to agree alternatives and will document the decisions and rationale for security decisions.
5. Use verbal and non-verbal conflict resolution techniques to ensure that physical intervention and reasonable force is only used as a last resort and in accordance with the law.
6. Where police attendance is necessary, either due to increased risks of harm or where a crime has been committed or is alleged to have been committed, Campus Security will communicate with the police and event/protest organisers to minimise the potential risks and impact.

## **Responsibilities of Event organisers**

1. To book events in line with the procedures appended
2. To risk-assess any event in line with standard University practice
3. Where an event has been rated as high risk and has been escalated to FESAG for review and risk mitigation, to engage with FESAG to agree appropriate risk mitigations.

### **Responsibilities of Protestors**

1. On King's premises, protests are only permitted to be conducted by King's staff or students, unless the protest has been booked as a formal event, in which case the normal requirements and restrictions which apply.
2. Unless prior arrangements have been made through the event booking process, protestors on campus who are not King's staff or students may be asked to leave campus.
3. All members of the University community including those engaged in protest are required to behave in accordance with the KCL-KCLSU joint statement on Freedom of Expression, within the boundaries of the law and University regulations.
4. Any protest group should appoint a protest leader, to ensure clear communication with the University. That person should make themselves known to a member of the security staff and will be the point of contact for the group.
5. Protestors are obliged to comply with reasonable requests from University officers who will seek to facilitate permissible protest per the criteria above.
6. Protestors should be aware of other groups and individuals who may attempt to hijack the protest for their own causes and have a plan to extract yourselves from the situation should it become unlawful.
7. Protestors should not obstruct paths, roads, entrances and exits from campus, this may constitute an offence under the public highways legislation or breach University health and safety regulations. Protest leaders are accountable for ensuring clear paths of access for members of the King's community and the public.
8. No persons should use or threaten to use violence.
9. No persons should engage in any act of intentional or reckless property damage.
10. To protect the regular operations of the University and Freedom of Expression, the use of loudhailers, loudspeakers and other noise-making devices are not permitted on University premises by protestors.
11. Flags are permitted during protests as long as they are used in a manner that adheres to the criteria governing events, meetings and protest (see above under Responsibilities of the University).
12. Face-coverings are permitted on campus and are worn for a variety of different reasons including cultural, religious and medical purposes. In some contexts, face coverings may also have an intimidating effect and this may be reasonably judged to be the intention. Where this is the case KCL security will engage, but on the grounds of intimidation rather than the face

covering per se.

13. Where a protest is conducted in relation to a planned event, the protest should not inhibit or disrupt the event from continuing to its planned conclusion. These actions may include but are not limited to blocking or obstructing entry and egress, excessively loud chanting with the effect of drowning out event speakers, or otherwise disrupting or occupying the event.
14. If any member of staff or student believes that an action or activity taking place is unlawful, they should contact Campus Operations or Security immediately.

## **Review**

This guidance is owned by the University Executive and will be reviewed on a regular basis.

## **Relevant policies and guidance**

Freedom of Expression Statement

<https://www.kcl.ac.uk/about/freedom-of-speech>

External Speakers policy

[external-speakers-policy.pdf \(kcl.ac.uk\)](#)

Procedures for bookings for events with external speakers

[external-speakers-procedures.pdf \(kcl.ac.uk\)](#)

Student non-academic misconduct (being updated for Sept 23 to refer to the Community Charter)

<https://www.kcl.ac.uk/aboutkings/orgstructure/ps/acservices/conduct/non-academic-misconduct>

The student Community Charter

[Community Charter - King's College London \(kcl.ac.uk\)](#)

Academic Staff misconduct

[Regulations](#) for Academic staff can be found here noting the provisions in the College's [ordinances](#) (E5 x) regarding academic freedom.

Professional Services staff misconduct

[Capability Procedures: Research, Teaching-only and Professional Services staff \(kcl.ac.uk\)](#)

[Disciplinary Procedures: Research, Teaching-only and Professional Services staff \(kcl.ac.uk\)](#)

## Preparing for Contentious Events and Protest

### Events

All Staff / student events (outside of normal education or research activity) which are hosted on King's premises are subject to risk-assessment. Where appropriate, medium or high risk events will be escalated to FESAG (Freedom of Expression Standing Advisory Group – a joint committee of KCL and KCLSU with oversight of all Staff and Student events excluding events which are part of an academic programme) for consideration. Risk mitigations may be applied, including:

- The event and any associated protest may be relocated to support safety of the participants and the wider University community,
- Alternative ingress and egress routes may be required,
- Management over event participants may be required, for example requiring a ticketing system and/or restricting attendance to King's staff and students,
- The event may be subject to an independent chair and may be recorded,
- A 'Duty Dean' (a trained member of the University senior management) may be present to support Campus Operations and Security in decision-making at the event,
- A KCLSU observer (senior staff member) will be tasked to work alongside a Duty Dean for high-risk external speaker events by ratified student groups.
- Additional security may be provided

This list of risk mitigations is not exhaustive. Other mitigations may be applied, either through FESAG risk assessment or through dynamic risk assessments during the event/protest itself. All risk mitigations taken will be reasonably practicable, lawful, and consistent with the approach to contentious events and protest detailed above. The University will always seek to consult with event or protest organisers when defining risk mitigations.

### Protest

When a protest is notified in advance or is considered likely, the University will identify an appropriate space for a protest to take place which provides an opportunity for protestors to be heard, without disrupting the event to the degree that it is compromised. Event and protest locations will also consider the likely impact upon the wider activity of the University – and will aim to minimise impact upon other activity. The University will always liaise with Protest organisers in advance, where it is possible to do so.

## During Events or Protest

### Events

High risk events will be managed by applying the risk mitigation plan defined by FESAG. The Duty Dean, Campus Operations and Security will have authority to augment this plan if necessary. All risk mitigations taken will be reasonably practicable, lawful, and consistent with the approach to contentious events and protest detailed above. The University will always seek to consult with event

or protest organisers when applying risk mitigations.

If an event breaches legal constraints on freedom of expression or creates an unacceptable risk to health and safety or the regular operations of the University, the Duty Dean, Campus Operations and Security reserve the right to cancel the event. This is a measure of last resort.

## **Protest**

The safety and wellbeing of the university community is the overriding consideration around the management of protests. Estates and Facilities, through Security, will endeavor to ensure that those staging a protest on King's property are entitled to be in attendance, i.e., King's students and staff, or invited guests and/or members of the public where the event has been formally constituted. Where individuals are found not to be legitimately on King's premises, they may be considered trespassers and may be asked to leave the premises or face being removed.

Noting that the university expects advance notification of student-organised protests, where spontaneous or unplanned protest do occur, Estates and Facilities will carry out a dynamic risk assessment. Where a protest is taking place in an area that is deemed to present a health and safety risk to protestors and/or the university community, or where the location of a protest is likely to inhibit the rights to Freedom of Expression of others in the vicinity, or where the protest will unreasonably disrupt the regular activity of the University, protestors will be requested to relocate to an appropriate alternative site.

Information on alternative exit routes will be posted by Estates and Facilities in and around the protest area and will be communicated to staff via email.

Where those taking part in a protest or those responding to protest do not adhere to university policies relating to health and safety and staff/student wellbeing, or are acting in a manner that contravenes the university/KCLSU policy on Freedom of Expression, or refuse to comply with reasonable requests made by University officers, the university will take appropriate action and will invoke the University Misconduct procedures for students and disciplinary procedures for staff. In some circumstances, KCLSU disciplinary procedures may also apply.

In the event of behavior or speech crossing the threshold into criminal activity such as verbal incitement, hate speech, violence or threat of violence, the University will report this to the police, and will also apply the appropriate sanction as identified in student and staff misconduct.

## **Annex: legislation and University regulations**

- 2.1 There are a number of pieces of legislation which are particularly relevant in the context of peaceful protest at King's and should be reviewed prior to any peaceful protest activities. These include Articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights, as incorporated into English law by the Human Rights Act 1998 Sch 1 and the Education Act (1986) [not a definitive list].
  - 2.2 The rights and freedoms of others are not just their rights and freedoms protected under the conventions above, but include the right to go about their daily lives and to enjoy public spaces. Such freedoms, however, do not give immunity from the law nor from personal liability. King's is obliged under law to ensure that any action, publication or speech on its premises is lawful, and to protect its staff, students and visitors from victimisation, harassment or unlawful discrimination.
  - 2.3 In the United Kingdom it is considered lawful for peaceful, non-obstructive (short-term) assemblies or protests to take place on the public highway, so long as that assembly does not amount to a public or private nuisance and does not obstruct the highway by impeding the public's right to pass and repass. Assembling on private grounds or premises without the owner's permission will be considered trespassing.
  - 2.4 Should the noise from an assembly or protest unreasonably and substantially interfere with the use or enjoyment of a home or other premises, or be likely to injure health, it could be classified as a statutory nuisance, and face enforcement or sanction by the local authority. In addition, intentional noise from the public highway which substantially interferes with the use of a premises, for example by drowning out of staff/visitors who are teaching/speaking may also constitute a common law offence of public nuisance and may result in civil prosecution by those affected. This would include the use of loud hailers.
  - 2.5 The university will take all reasonable steps to ensure public order and to prevent crime on its premises; to ensure public safety; and to protect the rights and freedoms of staff, students, visitors and guests. King's will consult with external agencies as necessary – including the police, public authorities and government agencies - and will co-operate with such agencies as required by relevant legislation.
3. **King's Misconduct Regulations and Policies**
- 3.1 King's has expected standards of behaviours for all students which are set out in the [Misconduct Policy and Procedure](#) and accompanying [Misconduct Guidance](#). If a student's behaviour falls below these expected standards at a protest, event or occupation, the Misconduct Procedure will be instigated. If a student is found to have committed misconduct, the university has a range of penalties, such as a warning, a fine, community service, suspension or expulsion from the university in very serious cases. The full list of penalties can be found in the [Misconduct Policy and Procedure](#).