

## Policy Principles for Demonstrations, Protests, and Rallies on Campus and in Tilburg University Buildings

### Introduction

It is a nationwide trend that the number of demonstrations, protests, or rallies (hereinafter referred to as "demonstrations") is increasing, partly due to ongoing major societal and geopolitical issues - e.g., various international conflicts, climate change, and the energy transition. We also experience a growing engagement within our community around these themes. Therefore, it is important to establish some principles on how Tilburg University wants to manage this situation. This document serves as an internal guideline for everyone involved with demonstrations at Tilburg University.

The fundamental right to protest is an important democratic right, also at a university. The university has traditionally been a haven for academic debate and diversity of opinions. These opinions can be expressed respectfully through debate, dialogue, and also through protest. As a special university, Tilburg University has somewhat more regulatory leeway than public universities because the grounds of Tilburg University are not public areas. Technically, we have the power to prohibit demonstrations on our premises. However, this is not the message that Tilburg University wants to convey.

Tilburg University provides space within boundaries and is cautious about imposing restrictions. Tilburg University reflects this positive attitude towards demonstrations in its dealings with other relevant parties such as the police and the City of Tilburg.

However the scope of demonstrations is not unlimited. The Executive Board may impose restrictions, especially with regard to (social) safety and respect for everyone and to prevent serious disturbances. Intervention is an option, but it is primarily aimed at allowing demonstrations to proceed optimally, keeping incidents to a minimum, prevent escalation and de-escalating. The steps in the approach are described in this document.

### 1. Application

Owing to the special status of Tilburg University, the Public Demonstrations Act (*Wet Openbaarheid Manifestaties, WOM*) does not apply on the university's campus and in its buildings. However, we do want to be consistent with the spirit of this Act regarding demonstrations as outlined in Article 9 of the Netherlands Constitution. A demonstration is a collective (i.e., of two or more persons) and public expression of opinion.

Not all demonstrations fall under the protection of the right to demonstrate. To qualify as such, a demonstration must be peaceful in the first place. Additionally, it must involve a collective expression of opinion. If this fades into the background, for example, because the gathering takes on the character of coercion, it is no longer considered a demonstration.

Because they concern a freedom, demonstrations do not require permission but rather a notification requirement. A demonstration is allowed if it does not disrupt the primary processes of research, education, and/or university operations. We engage in dialogue as the way forward, depending on the situation. Occupation of university buildings is prohibited.

### 2. Policy Principles

- a. Tilburg University is open to and facilitates academic debate.
- b. Tilburg University safeguards rights as set out in, among other places, Article 7 (freedom of expression) and Article 9 (freedom of assembly and demonstration) of the Netherlands Constitution.

- c. The Tilburg University's House Rules, as well as the Campus Communication Rules, the Tilburg University Code of Conduct, and the Student Charter must be respected and are leading. This means, at least the following (this is a non-exhaustive list).
- i. The purpose of the demonstration must have connections to the target groups present on campus, the primary processes of research, education, and/or the university's operations.
  - ii. Demonstrations aimed at promoting one or more charitable causes, political parties, or religious/belief systems are not allowed unless prior permission has been obtained from the Executive Board.
  - iii. Demonstrations must proceed in a safe manner, and the organization or organizers must make every effort to ensure this.
  - iv. At a demonstration, the organizers are always available to the university representative, recognizable and without face coverings, and can be addressed with respect to the way in which the protest is conducted.
  - v. Demonstrations must be ended by closing time of the relevant building, but not later than 22:30 hrs. Overnight stay on campus and/or in buildings is prohibited.
  - vi. Disruption of education, research, and business operations is not accepted. This means, among other things, that:
    - blocking entry and (emergency) exit routes of buildings, hallways and other spaces is prohibited.
    - the use of sound amplifying equipment is only permitted if it does not disrupt education and research and/or business operations. The only exception is a megaphone that the organization may use to lead the demonstration and/or address participants.
  - vii. The rights of others are respected and not harmed. It is therefore not allowed to:
    - incite hatred, violence, exclusion or discrimination.
    - threaten with (open) violence against persons and/or property.
    - use violence.
    - carry fireworks and/or weapons as defined in the Weapons and Ammunition Act (*Wet Wapens en Munitie*), or objects that can be used as weapons.
- d. Security at Tilburg University and all directly involved parties act in accordance with these Policy Principles and underlying procedures and practices concerning demonstrations.
- e. The actions of Security are primarily aimed at ensuring that the demonstration proceeds in a safe manner. Incidents are kept to a minimum by addressing them directly, if necessary, and taking further (preventive) action, including ending the demonstration.
- f. Employees charged with enforcing the house rules may ask protesters to show their university card (student or employee ID) and/or proof of identity at any time. Instructions from these employees must be followed. If not, a demonstrator may be asked to leave the premises immediately.
- g. If people's health or safety are compromised during the demonstration, it will be terminated. According to the Crisis Management Plan, this decision is made by the Crisis Management Team (CMT) and is coordinated (as far as possible) with the City of Tilburg, the police, and the Public Prosecution Service.

### 3. Announcing demonstrations

For demonstrations on campus, please notify us via [cesupport@tilburguniversity.edu](mailto:cesupport@tilburguniversity.edu), so that we can get in touch with the organizer(s) regarding the nature of the protest and any wishes and possibilities with respect to the demonstration.

The organizer must announce the demonstration at least two weeks before the planned date of the demonstration.

This is different from demonstrations taking place on the public road, which fall under the Public Assemblies Act (*Wet Openbare Manifestaties*) and are the responsibility of the municipality. The organizer must coordinate this with the municipality.

#### **4. Limits to demonstrations**

The Tilburg University Executive Board or the CMT decides<sup>1</sup> on any intervention if:

- a. there is severe disruption or immediate danger to persons and/or property, including health and traffic safety;
- b. there is (open) violence against persons and/or property;
- c. the maximum duration of the demonstration is exceeded (see 2c(v));
- d. there is a threat of or actual use of violence;
- e. unauthorized use is made of sound amplifying equipment other than a megaphone, with which the organization can lead the demonstration and/or address the participants;
- f. people carry or ignite fireworks or weapons as defined in the Weapons and Ammunition Act or any other objects that can be used as weapons;
- g. (part of) one or more buildings are occupied;
- h. entry and (emergency) exit routes of buildings are blocked;
- i. face-covering clothing is worn. This is prohibited in accordance with national rules. Face-covering clothing refers to clothing that completely covers the face or where only the eyes are visible, such as an integral helmet, a balaclava, or a niqab;
- j. criminal statements are made that incite hatred, violence, or discrimination.

#### **5. Security at Tilburg University**

- a. The organizer of the demonstration is primarily responsible for the safe conduct of the demonstration. This also means that, initially, the organizer of the demonstration regulates behavior.
- b. Security supervises the safe conduct of the demonstration and addresses the organizer of the demonstration and participants if necessary, regarding their behavior and/or instructs them to desist or to comply with the above-mentioned principles;
- c. The actions of Security have a de-escalating character as much as possible. Any intervention takes place according to the following section, 'Escalation ladder.'

#### **6. Escalation ladder**

The following escalation ladder is used.

- a. The Coordinator of Integrated Security engages in dialogue with the organizer of the demonstration at the start of the demonstration to make agreements about the demonstration and the applicable rules and restrictions. If necessary, the Coordinator of Integrated Security informs the CMT. In case of unregistered demonstrations, the Coordinator of Integrated Security also coordinates if necessary with the City of Tilburg and police.
- b. In the event that the rules are not complied with, Security asks the organizer to address the participants regarding the established regulations and restrictions.
- c. If the organizer and/or participants do not comply, Security gives instructions and/or addresses participants for violating the established regulations and restrictions and/or instructs them to desist or to change their behavior.
- d. If there is still a violation of the established regulations and restrictions, the Coordinator of Integrated Security is informed. They address the organizer and assess the (safety) risks for participants and others.

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<sup>1</sup> This does not affect the right of trade unions to organize collective actions (including demonstrations) as a last resort after negotiations on labor conditions between employers' and employees' organizations have reached a deadlock.

- e. The Coordinator of Integrated Security informs the CMT and the involved dean and/or director about the situation and advises on terminating the demonstration.
- f. In case of immediate danger to others and/or Tilburg University properties, the Head of Security is authorized to act within reasonable limits, including involving the police.
- g. A decision to request police intervention to end the demonstration lies with the CMT. The President of the Executive Board must first make a demand and then, on behalf of the Public Prosecution Service, order the termination of the demonstration. Subsequently, the local triumvirate (i.e., the Mayor, the Chief Public Prosecutor, and the Chief of Police) can be asked to contribute to the termination.
- h. The Head of Tilburg University's Emergency Response Organization (in principle, unless otherwise specified) liaises with the operational leadership of the police on onsite deployment (Incident Command Post, *CoPi*);
- i. A decision to request police intervention must be weighed against the effect on the safety of others and aimed at terminating the demonstration.

These Policy Principles were adopted by the Executive Board on May 14, 2024, and entered into force on May 14, 2024.