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Mass Gatherings of Students: Protocol



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Type of document:	Protocol
Purpose:	To serve as supporting protocol regarding mass gatherings of students at Stellenbosch University (SU). To acknowledge the right to peaceful mass gatherings in a way that is free from violence and intimidation on SU campuses and at SU faculties.
Approved by:	Rector's Management Team
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Date of implementation:	01/02/2024
Date of next revision/frequency of revision:	At least every 5 years, or sooner as needed
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Owner¹:	Chief Operating Officer; Deputy Vice-Chancellor: Learning and Teaching
Curator²:	Chief Director: Facilities Management; Senior Director: Division of Student Affairs
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Validity:	The English version of this regulation is the operative version, and the Afrikaans version is the translation.

¹ Owner: Head(s) of Responsibility Centre(s) in which the rules functions.

² Curator: Administrative head of the division responsible for the implementation and maintenance of the rules

List of abbreviations

COO	Chief Operating Officer
CSO	Commuter-Student Organisation
DSAf	Division of Student Affairs
DVC	Deputy Vice-Chancellor
FMHS	Faculty of Medicine and Health Sciences
L&T	Learning and Teaching
LS	Legal Services
RC	Responsibility Centre
RIPS	Research, Innovation and Postgraduate Studies
SAHRC	South African Human Rights Commission
SGCA	Strategy, Global and Corporate Affairs
SRC	Students' Representative Council
SU	Stellenbosch University
TSRC	Tygerberg SRC

1. Stellenbosch University context

Stellenbosch University (SU or the University) is committed to holistically develop student leaders who engage critically on issues affecting students on campus. SU encourages its students to adopt solution-based approaches when raising matters with SU stakeholders, including SU management and the Rectorate. It is vital that the institutional values, vision, mission and strategic goals inform any dialogue on all SU campuses. This applies to all registered students at SU. The University encourages student voices to be heard on all platforms, but these must adhere to laws and SU policies, regulations, codes and rules.

1.1 The Students' Representative Council

The Students' Representative Council (SRC) is a legitimate student representative body that is mandated to represent the interests of all registered students. However, since the advent of the Rhodes Must Fall, Fees Must Fall and Open Stellenbosch movements, SU has come to understand that student activists and other students with legitimate concerns are also to be recognised as part of the broader student community. Thus, SU encourages all students to utilise the available internal platforms to raise their concerns through the SRC first. The SRC's responsibility is to follow existing institutional processes for engaging with management to seek solutions to student matters. Should the student body so decide, after the SRC has exhausted all internal processes with the SU management on the issue/s raised, the SRC may organise mass gatherings, and certain guidelines must be followed to ensure that logistical arrangements are in place.

1.2 Rights and limitations

Section 17 of the Constitution of the Republic of South Africa (1996) provides as follows: "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions." The Constitutional Court has interpreted section 17 to mean that "everyone who is unarmed has the right to go out and assemble with others to peacefully demonstrate, picket and present petitions to others for any lawful purpose". Nonetheless, SU would be within its rights to refuse mass gatherings of any kind on any of its campuses, at specific periods crucial on academic calendar.

SU can set out the conditions for (limitations to) mass gatherings (e.g. refuse that a mass gathering be held during exams). In this regard, consider *Hotz and Others v University of Cape Town*.¹

SU has the right to control and manage access to its property; to ensure that it is able to properly manage and control unlawful conduct on its property; to ensure that its staff are able to perform their duties in the interest of its students; to ensure the safety of its students and staff, and of other members of the public who are legitimately on its property; and to protect its property.

2. Planned mass gatherings

For logistical purposes, the following stakeholders must be notified in writing of the mass gatherings, in the order indicated below:

- **RC – Learning and Teaching: Division Student Affairs (DSAf)**
 - Student Governance
 - Student Communities
 - Manager: Student Affairs (Tygerberg) – only for mass gatherings on the Tygerberg Campus
- **RC – Chief Operating Officer: Facilities Management (FM)**
 - Campus Security (1)
- **RC – Social Impact, Transformation and Personnel**
 - Transformation Office (TO) (2)
- **RC – COO**
 - Central Events and Conferencing Office (CECO) (3)
- **RC – Strategy, Global and Corporate Affairs**
 - Corporate Communication and Marketing Division (CCMD) (4)
 - Media Office
- **RC – Research, Innovation and Postgraduate Studies**
 - The relevant faculty dean
 - The Library – if affected
- **RC – Registrar**
 - Contact and Client Services
 - Legal Services

¹ 2018 (1) SA 369 (CC).

Legislative framework

Regulation of Gatherings Act 205 of 1993

According to the Regulation of Gatherings Act 205 of 1993, as amended by the Safety Matters Rationalisation Act 90 of 1996 Dangerous Weapons Act 15 of 2013:

'gathering' means any assembly, concourse or procession of more than 15 persons in or on any public road as defined in the Road Traffic Act, 1989 (Act 29 of 1989), or any other public place or premises wholly or partly open to the air –

(a) at which the principles, policy, actions or failure to act of any government, political party or political organization, whether or not that party or organization is registered in terms of any applicable law, are discussed, attacked, criticized, promoted or propagated; or

(b) held to form pressure groups, to hand over petitions to any person, or to mobilize or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government, administration or governmental institution; ...

As a public university, SU is cognisant of its role to promote the common good for the benefit of all South Africans and stakeholders. This applies also to its handling of institutional matters with all stakeholders, including students. The legislative framework regulating all public universities in South Africa, as well as this Protocol, is set out below.

- (1) The White Paper on Higher Education, 1997 states, “The higher education system must be transformed to redress past inequalities, to serve a new social order, to meet pressing national needs and to respond to new realities and opportunities”.[\[1\]](#)
- (2) The Higher Education Act 101 of 1997, as amended, encourages “appropriate measures for the redress of past inequalities”,[\[2\]](#) especially for previously marginalised students, to be taken into account.

- (3) The White Paper on Post-school Education and Training, 2013 encourages all institutions of higher learning in South Africa to broaden access and success to post-school education and training.^[3]
- (4) The SU Statute confirms that SU is driven by the values underlying the Constitution – in particular, human dignity, equality and freedom – and promotes unity in diversity by encouraging tolerance of and respect for different perspectives and belief systems to ensure a suitable environment for teaching and learning, innovation, research and societal engagement.

3. Constitutional framework

Although the Bill of Rights enshrined in the Constitution protects the freedom of expression in section 16(1), subsection (2) does not extend to: “(a) propaganda for war; (b) incitement of imminent violence; or (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.”^[5]²

The right to mass gatherings must also be exercised with due regard for the rights of others; that is, in a manner that respects and protects human dignity as stipulated in section 10 of the Constitution.³

4. SU Strategic Framework

Within the SU Strategic Framework is an intention to achieve transformative student experience. To that end, SU is committed to constructive engagement with student leaders, staff, and all students. Therefore, lines of communication will be activated immediately, when the need arises, following internal processes for ensuring that issues are stated and considered by means of respectful dialogue.

All stakeholders are expected to abide by the following values, principles, and civic responsibilities. The SU values are Equity, Compassion, Accountability, Respect and

² S16(1) of the Constitution of the Republic of South Africa, 1996.

³ S10 of Constitution of the Republic of South Africa, 1996.

Excellence. Nonetheless for the purpose of this Protocol, the following values are observed:

- empathy
- transparency
- communication
- constructive engagement
- peaceful mass gatherings

5. Mass gatherings on SU campuses

5.1 Planned mass gatherings

SU acknowledges that students and staff have a right to mass gatherings and need not ask permission but that they are required to notify the University authorities.

The SAHRC states as follows:

Section 3(2) of the Regulations of Gatherings Act provides that “the convenor shall not later than seven days before the date on which the gathering is to be held, give notice of the gathering to the responsible officer concerned: Provided that if it is not reasonably possible for the convenor to give such notice earlier than seven days before such date, he shall give such notice at the earliest opportunity: Provided further that if such notice is given less than 48 hours before the commencement of the gathering, the responsible officer may by notice to the convenor prohibit the gathering. Any gathering that happens without notice is illegal.[\[6\]](#)

In *Mlungwana and Others v The State and Another* (known as ‘SJC10’), the Constitutional Court considered that a convener’s failure to give adequate notice to the local municipality constituted a crime when convening a gathering of more than 15 people.⁴ Section 12(1)(a) criminalises such failure. The Constitutional Court decided that the relevant section of the RGA was inconsistent with the Constitution and thus invalid. This interpretation promotes fundamental freedoms. The *Mlungwana* case is a landmark case that reinforces and confirms the right to protest.

⁴ 2019 1 SACR 429 (CC)

Please note: Mass gatherings by students are encouraged by SU's Student Constitution and do not constitute a protest.

All rules of the "Protocol for Mass Gatherings" must be followed during mass gatherings on SU campuses. The Student Disciplinary Code regulates the process of investigating and dealing with misconduct by SU students during mass gatherings.

The following types of actions are prohibited:

- (1) Participants in the mass gathering may not pose a risk to the University in the form of destruction of moveable or immovable institutional property.
- (2) The same prohibition extends to private property and public property.
- (3) No person or persons on University property, whether they be students or staff members associated or affiliated with Stellenbosch University or service providers, may be subject to harassment in any form.
- (4) No disrespect may be shown towards the person or the belongings of those not participating in the mass gathering, wherever they may find themselves. This includes harassment by means of social media.
- (5) The University's academic programmes and business continuity may not be disrupted in any way, at any time.

Examples of the above types of actions include, but are not limited to, the following:

- (1) disrupting a lecture or having a sit-in in a University building, including administrative buildings;
- (2) disrupting fairs or exhibitions;
- (3) assaulting, intimidating or harassing staff, students or functionaries;
- (4) subjecting community members, students or staff to victimisation;
- (5) disrupting tests or examinations;
- (6) occupying buildings, damaging property belonging to SU, private persons or the public;
- (7) interrupting the academic programme or administrative activities;
- (8) interfering with food provision at residences, hubs or student centres (e.g. the Neelsie);

- (9) using emergency equipment in an unauthorised manner;
- (10) infringing on the right to study or work at SU;
- (11) threatening with any of these types of behaviour in any context, including that of mass gatherings; and
- (12) accusing any staff member or fellow student of a digression over a public platform, unless the person was found guilty by a court or institutional disciplinary committee.

SU follows a holistic approach to managing student mass gatherings, considering various factors – such as SU policies, guidelines and rules, as well as stakeholder engagement – to assess risk levels regarding all types of student mass gatherings. This is done to prevent actions that may accelerate violence. Behaviour that threatens the SU community’s space for critical and open discussion has no part in campus life. SU regards this kind of behaviour, and its collateral damage to its community, as a very serious infringement of the University’s vision and mission, and it will be dealt with accordingly.

In the event of a mass gathering turning to violence against fellow students, staff, or the community or property of SU, the institution will have an action plan for students who are unhappy with the situation posed against the students, staff or community.

5.2 Roles and responsibilities in various scenarios

Scenario 1: Organised mass gatherings with SRC involvement	
<i>Formal mass gatherings led by the SRC: Who makes the final decision? Who initiates the process?</i>	
Action(s)	Responsible person(s)
Decision-making at the strategic level	
Receives the notification and approves the application for the mass gathering NB: Mass gatherings are not allowed in the examination and assessment period	Senior Director: DSAf, in consultation with other internal stakeholders

Communication to Rectorate (<i>highlighting specific functions required from the respective RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: Communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	DVC: Learning & Teaching
Revisit the decision	COO
Operational activities	
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg, depending on the context of the gathering) 	Senior Director: DSAf

Subject to constant information between Events Risk Management and mass gathering organisers.

In case of noncompliance: DVC: L&T to meet with students.

Scenario 2: Unplanned mass gatherings	
<i>Unannounced mass gatherings, requiring support from various stakeholders within the University: Who makes the final decision whether a mass gathering is regarded as “unannounced” in this sense?</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the notification and is informed of the unannounced mass gathering	Senior Director: DSAf

Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: Communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	DVC: Learning and Teaching
Operational activities	
<ul style="list-style-type: none"> - Identify the group that is hosting the mass gathering (Campus Security [cameras] in consultation with Student Communities/Student Governance) - Consult with student mass gathering organisers to identify issues 	Campus Security
Event registration <ul style="list-style-type: none"> - Mass gathering organisers must inform the relevant offices and seek advice regarding application - Risk assessment and analysis 	Student Governance, Events Risk Management, Campus Security
Inform key stakeholders	Senior Director: DSAf
<ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg, depending on the context of the gathering) 	

Subject to constant information-sharing between Events Risk Management and mass gathering organisers.

In case of noncompliance: DVC: L&T to meet with the students.

Scenario 3: External mass gatherings at SU	
<i>Interest groups from other higher education institutions: Who makes the final decision?</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the notification and approves the application for the mass gathering	Senior Director: DSAf

Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	DVC: Learning & Teaching
Revisit the decision	COO
Operational activities	
Internal support <ul style="list-style-type: none"> - Campus Security to inform the SAPS and Stellenbosch Municipality - Student Affairs to facilitate dialogue and provide support 	Campus Security; DSAf
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg, depending on the context of the gathering) 	Senior Director: DSAf

Subject to constant information-sharing between Events Risk Management and organisers of the mass gathering; the memo is served to and received by the Rector or their delegate.

Scenario 4: Mass gatherings at SU faculties	
<i>Mass gatherings at a specific faculty: Who makes the final decision?</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the communication and approves the application for the mass gathering	Rector or his delegate must consult with DSAf Senior Director

Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	DVC: Research, Innovation, and Postgraduate Studies
Revisit the decision (<i>subject to risk assessment and analysis</i>)	COO
Operational activities	
The faculty must notify Campus Security to do a risk assessment/analysis	Dean or their delegate
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management and Campus Security
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg; subject to the context of the gathering) 	Dean

Subject to constant information-sharing between Events Risk Management and organisers of the mass gathering; the memo is served to and received by the Dean or their delegate.

Scenario 5: Mass gatherings in residence spaces	
<i>Who makes the final decision?</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the communication and approves the application for the mass gathering	Senior Director: DSAf

Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions for the mass gathering) 	DVC: Learning and Teaching
Revisit the decision	COO
Operational activities	
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg; subject to the context of the gathering) 	Senior Director: DSAf

Subject to constant information-sharing between Events Risk Management and organisers of the mass gathering

In case of noncompliance: DVC: L&T to meet with the students.

Scenario 6: Mass gatherings in commuter-student spaces <i>All students who do not live in SU residential accommodation – allocated to commuter-student communities (11 undergrad communities, three postgrad communities = 11 CSO communities, three postgrad.nets). Who makes the final decision?</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the communication and approves the application for the mass gathering	Senior Director: DSAf

Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - RC: COO: Facilities Management, Campus Security - RC: SGCA: communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	DVC: Learning & Teaching
Revisit the decision	COO
Operational activities	
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg; subject to the context of the gathering) 	Senior Director: Division Student Affairs

Scenario 7: Sport	
<i>Mass gathering in a specific environment (Who makes the final decision?)</i>	
Action(s)	Responsible person(s)
Decision-making at strategic level	
Receives the communication and approves the application for the mass gathering	Chief Director: Maties Sport
Communication to Rectorate (<i>highlighting specific functions required from the various RCs</i>) <ul style="list-style-type: none"> - COO: Facilities Management, Campus Security - RC: SGCA: communications (internal and external) - RC: Registrar: Client Services and Legal Services (subject to the conditions set for the mass gathering) 	COO
Revisit the decision (<i>subject to risk assessment and analysis</i>)	DVC: L&T

Operational activities	
Chief Director: Maties Sport must notify Campus Security to do a risk assessment/analysis	Chief Director: Maties Sport
Event registration <ul style="list-style-type: none"> - Application - Risk assessment and analysis 	Student Governance, Events Risk Management
Inform key stakeholders <ul style="list-style-type: none"> - Transformation Office - SU Library (mass gatherings on the Rooiplein) - FMHS (mass gatherings at Tygerberg; subject to the context of the gathering) 	Chief Director: Maties Sport

Subject to constant information-sharing between Events Risk Management and organisers of the mass gathering; the COO or their delegate to receive a memorandum.

5.3 Disclaimer

- (1) In the event that any of the above-mentioned mass gathering scenarios become malicious or violent, the Contingency Committee will be activated. (The COO will be made aware and will make final decision).
- (2) In that event, the Contingency Committee forms a joint operations centre (JOC) – falling under the responsibilities of the COO or their delegate – to call upon external security and/or the SAPS (public order police) for support.
- (3) All of the above are subject to constant communication between Risk Management and the organisers of the mass gathering.

5.4 Gatherings on the Rooiplein or in the vicinity of SU Administration buildings

- (1) The Director: Campus Security alerts the safety committees of the buildings concerned to the potential threat of disruption, and to be ready to prevent occupation by locking down the building or facility in advance.
- (2) The facilities manager responsible for SU Administration buildings prepares to secure the buildings for the duration of the gathering and to provide alternative ways of entering and exiting, if necessary.

- (3) The Registrar or their delegate prepares to be able to deliver essential services while buildings are secured or in a state of lockdown.
- (4) The operations manager at Campus Security coordinates access control functions at the buildings and liaises with safety committee chairs about access control at any other buildings that may be affected.

5.5 Debriefing

All mass gatherings must be followed by a debriefing session.

- (1) It is Facilities Management's responsibility to initiate the session.
- (2) Stakeholders to be invited: Transformation Office, Student Governance, Campus Security, DSAf, Maties Sport, SRC.

6. References

- [1] Education White Paper 3: *A Programme for the Transformation of Higher Education*, Notice 1196 of 1997
- [2] Higher Education Act 101 of 1997
- [3] White Paper on Post-school Education and Training Act of 2013
- [4] *Guidelines for Good Governance Practice and Governance Indicators for Councils of South African Public Higher Education Institutions*, Department of Higher Education and Training, 2017
- [5] The Constitution of the Republic of South Africa 1996
- [6] *Human Rights in Community Protests*, South African Human Rights Commission