Campus Access Policy

Section 1 - Executive Summary and Purpose

(1) The grounds of the University of Newcastle (University) are within its management and control, and the University has the right to regulate access to its lands. This policy:

a. aims to maintain a vibrant environment on University lands, which is welcoming to the University community and the general public and respects academic freedom and freedom of speech (please see the Code for the Protection of Freedom of Speech and Academic Freedom);
b. sets out the University's expectations of users of its lands;
c. states the University's requirements for protecting the health and safety of users, the integrity of buildings, fixtures and grounds, and the continuity of University operations;
d. specifies activities that require prior University approval or are unacceptable at any time; and
e. provides for the safe and orderly conduct of demonstrations.

Section 2 - Scope and Audience

(2) This policy applies to, and is binding on, any user of University lands, including staff (including honorary academic appointees), students, visitors (including the general public), contractors (including agency staff), Council and external members of University committees.

Section 3 - Definitions

(3) In the context of this document:

Defined Term	Meaning
Camping	Includes: a. using any part of a building or grounds as a temporary dwelling; b. setting up or parking any vehicle as a temporary dwelling (including but not limited to tents, caravans and campervans); c. setting up beds or using blankets, swags or sleeping bags for camping; or d. setting up other furniture without approval. Camping does not include: a. using designated accommodation areas; or b. attending approved overnight events.
Demonstration	Means any protest activity on University campuses or in University facilities. This includes (but is not limited to): a. marches; b. rallies; c. sit-ins or sit-downs; or d. any other form of public assembly or method of protest.
Protected industrial action	Means protected industrial action which is permitted under the Fair Work Act 2009 (Cth).
University lands	Includes any land or road occupied or used by, or in connection with, the University, including: a. all or part of any building or structure; and b. any land used or occupied in connection with a building or structure.

Defined Term	Meaning
User	Means any person who enters, or remains on, University lands.

Section 4 - Principles

(4) The University welcomes members of the public to use its lands, consistently with this policy.

(5) The University is committed to respect for people, privacy, and property. This includes:

a. making its lands safe places for all users;
b. preventing significant damage to buildings, fixtures or grounds.

(6) University staff and students have rights of freedom of speech and academic freedom. This includes freedom to disagree and to peacefully protest, within the limits of this policy, the Staff Code of Conduct, Student Code of Conduct, and the Code for the Protection of Freedom of Speech and Academic Freedom.

(7) The University controls access to University lands on the following basis:

a. users may enter and use University lands consistently with this policy, subject to restrictions to certain areas or buildings in accordance with University policies, the University's operational requirements, and legal obligations; and
b. the University may withdraw the permission referred to above, and may require users to leave the University lands, or areas within University lands, and to otherwise remove their personal property.

(8) For abundant clarity, the University may, in its absolute discretion, restrict access to certain areas of University lands, including in relation to specific users or specific classes of users, where those users do not have a need or legal entitlement to access that area. For example, without limitation, the University may:

a. prevent access by certain non-resident users (including invited visitors to residents) to areas of University lands used for student residences at its discretion; or
b. prevent access to certain office areas, buildings or laboratory spaces by users where access is not necessary for that user to undertake their role at the University, or the proposed access is outside of business hours.

(9) Access to buildings, roads, and lands generally must always be safe and not unreasonably obstructed by users.

(10) Users and their vehicles must always be able to move freely and safely around University lands without unreasonable obstruction.

(11) University operations and activities must not be subjected to, in the University's reasonable opinion, unaceptable disruption, including the University's teaching, research, events, and administration activities.

(12) Users must comply with all applicable University rules, policies, procedures, and guidelines when accessing University lands, including, where applicable, taking necessary steps to book venues for events and other activities as specified on the Events Page for the general public and the Events Sharepoint for staff.

(13) This policy does not limit the right of staff to engage in protected industrial action.

(14) Users should be aware that a refusal to comply with a direction to vacate University lands, to engage in disorderly conduct in its public spaces or unreasonably obstruct the access to University lands for other users may be an offence under Inclosed Lands Protection Act 1901 and the Summary Offences Acts 1988.

Section 5 - Demonstrations

(15) Demonstrations by staff and students are a legitimate exercise of freedom of speech and are permitted on University lands provided that they comply with this policy, and applicable laws and regulations.

(16) Only staff and students are permitted to organise protests on University lands. Other users may participate, consistently with this policy.

(17) Prior approval is not required, but organisers must notify the University of a planned demonstration as soon as practicable and, in any case, at least 48 hours before it is due to start via written submission to security-services@newcastle.edu.au.

(18) Demonstrations must be held in open spaces. They must not be held inside any building.

(19) Demonstrations must be orderly, respectful and peaceful. They must not:

a. interfere with users' health and safety;
b. damage property or any part of the University lands (including the environment, flora and fauna);
c. in the reasonable opinion of the University, cause unacceptable disruption to the University's operations;
d. unreasonably impede the access or movement of people and vehicles on University land.

(20) People taking part in demonstrations must comply with directions given by Safety and Security Services.

(21) Users must allow demonstrators to demonstrate peacefully without fear of retaliation or retribution. Other users must not attempt to prevent demonstrators from expressing their views or to attempt to control or manage any demonstration activity. The foregoing does not apply to the following:

a. Safety and Security Services as authorised by this Policy or an authorised delegate;
b. NSW Police or other law enforcement as authorised by this policy, an authorised delegate, or at law; and
c. other University representatives that are authorised to act by an authorised delegate.

Section 6 - Activities that require prior approval

(22) Users may only engage in activities listed in this clause if they have the University's prior approval. Approval may be conditional. Not complying with conditions will be a breach of this policy.

(23) Users must apply for approval:

a. by email to: security-services@newcastle.edu.au;
b. at least 48 hours before the planned activity.

(24) Activities that require prior approval are:

a. erecting temporary structures;
b. projecting words or images onto structures;
c. using cooking equipment or heaters not provided by the University;
d. operating mechanical or electrical plant and/or equipment including generators and/or fridges not provided by the University; and
e. attaching materials, banners or structures to University buildings or fixtures.

(25) Temporary structures include:

a. booths and stalls;
b. portable toilets;
c. temporary enclosures;
d. portable or mobile structures (including marquees and tents); and
e. placards, banners or signage that are affixed to, attached to, or placed on University lands.

Section 7 - Unacceptable activities

(26) Activities listed in this clause are not permitted on University lands. Users engaging in these activities will be breaching this policy.

(27) Unacceptable activities are:

a. demonstrations without the notice required by section 5;
b. activities listed in section 6 which have not been approved;
c. camping or using open fires (excluding cultural activities under the control and management of the Wollotuka Institute);
d. possessing any weapon or explosive, including fireworks or flares;
e. intimidating, unlawful or illegal behaviour, including behaviour that is in breach, or places the University in breach of applicable laws and regulations or behaviour that is, or is at risk of, damaging University property or the property of third parties;
f. conduct that is in breach of the Staff Code of Conduct, the Student Conduct Rule, or Student Code of Conduct;
g. harassing any user. Harassment may include continuing to engage with a user after they make clear that the contact is unwanted, using a megaphone or other amplifier in close proximity to a person, or intentionally or recklessly interfering with that user's lawful use of University lands unreasonably;
h. storing personal property on University lands without permission or in areas that are not reserved for such storage;
i. intentionally or recklessly seeking to access restricted areas or other areas that the user is forbidden from accessing by policy, rule, guideline, or direction by an appropriate delegate;
j. dumping rubbish or other materials;
k. refusing, or failing to comply with, the lawful and reasonable directions of Safety and Security Services or any other delegate of the University; or
l. any activity that presents an unacceptable health or safety risk.

Section 8 - Personal Property

(28) Users are permitted to leave personal property in designated storage areas, indoor shared spaces, or offices that the user is permitted to access or use.

(29) Users must not otherwise leave personal property unattended on University lands.

(30) Personal property left unattended will be regarded as lost property and will be removed by Safety and Security Services.

(31) Owners may seek to reclaim their lost property using the processes outlined on this website.

Section 9 - Companion Animals

(32) The following animals are permitted on University lands:

a. an animal that is a recognised assistance animal pursuant to the Disability Discrimination Act 1992 (Cth) or that has another legal entitlement to be present on University lands (including those used in connection with law enforcement);
b. domestic animals on publicly accessible roads and pathways on campus (see Clause 33); and
c. native animals inhabiting the environment.

(33) If a user brings an animal onto University lands, the user must ensure they remain in the presence of, and in control of, the animal at all times in a safe manner that:

a. is respectful of other users and the environment of the University lands; and
b. is otherwise in compliance with signposted restrictions or University policies regarding the presence of animals in certain spaces.

(34) Further informaiton on a user's obligations with respect to animals that are brought on University lands may be found at KRA 2.10 Animals on Campus.

Section 10 - Breach of Policy and Police Intervention

(35) Safety and Security Services is responsible for the security of University lands. Safety and Security Services may be contacted using the details specified on its website.

(36) Safety and Security Services, may do any of the following if deemed necessary in the interest of safety or to manage an actual or perceived risk:

a. approach any user;
b. require any user to provide either:
    i. staff or student identification
    ii. their name and address;
c. direct any user to leave University lands or an area of University lands;
d. remove apparently lost property; and/or
e. remove personal property that presents a safety or environmental risk (including temporary structures or other camping gear).

(37) If a user does not comply with this policy, an authorised delegate may revoke permission to be on University lands, or an area of University lands, for a period of time and/or subject to other reasonable conditions. If such permission is revoked, Safety and Security Services will direct that user to leave in accordance with the following process:

a. a direction may be given orally but should be followed by a written notice if practicable;
b. written notice is not required when the address of the user is not known; and
c. the written notice should explain the basis for the revocation of permission.

(38) If a user is the subject of an investigation or disciplinary process (including a disciplinary process under appeal) pursuant to other University policies, procedures, or the relevant enterprise agreement or contract of employment,

the authorised delegate responsible for deciding that other process may revoke permission to be on University lands, or an area of University lands, for a period of time and/or subject to other reasonable conditions, until that other process is complete. If permission to access University lands is revoked in accordance with this Clause 38, the direction must be in writing, signed by the authorised delegate and delivered to the staff or student email address of the user.

(39) If a user:

a. refuses a direction to leave in accordance with this Policy;
b. re-enters University lands in contradiction of a direction that revokes permission to remain on University lands or a part of University lands; or
c. commits an offence while on University lands,

then the user may be trespassing and Safety and Security Services may take such actions that are lawful and appropriate in the circumstances to respond to the situation, including to seek the assistance of the NSW Police Force.

(40) The University may request the presence and assistance of the NSW Police Force or other relevant law enforcement organisations on University land where required, including in circumstances where:

a. Safety and Security Services, or any other member of staff, considers that there is an emergency or an actual or imminent threat to the health and safety to users;
b. an offence was, or is in the process of being, committed;
c. the University otherwise considers that it requires assistance in managing a potential incident.

(41) If a member of staff or student breaches this policy (including to fail to provide identification to Safety and Security Services when requested), then that breach is also a breach of the Staff Code of Conduct, the Student Conduct Rule, or Student Code of Conduct, which may amount to misconduct or serious misconduct.

Status and Details

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Responsible Executive	Morven Cameron Chief Operating Officer
Enquiries Contact	Kevin McCarthy Director, Infrastructure and Facilities Services Infrastructure and Facilities Services

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Campus" - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Research" - As defined in the Australian Code for the Responsible Conduct of Research, or any replacing Code or document.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Delegate" - (noun) refers to a person occupying a position that has been granted or sub-delegated a delegation of authority, or a committee or body that has been granted or sub-delegated a delegation of authority.

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