



Policy Consultation Feedback

Date: 2 April 2026
To: vc-rule-feedback@unimelb.edu.au
Subject: Feedback to the University Rule "Use of University premises and facilities: conditions regarding protests" published on 03 March 2025 under the Vice-Chancellor Regulation.

Executive Summary

The Rule should not be retained in its current form.

In UMSU's view, the Rule is an overly broad, vague, and punitive restriction on protest rights, introduced through an exceptional governance pathway without prior consultation, and only reviewed after operating for a full year. The Rule is not a narrow safety measure; rather, it is a broad anti-protest instrument that risks chilling lawful political expression, peaceful assembly, and student participation in university life.

Among the most serious problems are:

- The blanket ban on all indoor protests.
- The vague and subjective drafting of clause 3.
- The breadth of discretionary enforcement.
- The severity of available sanctions, including exclusion from classes and potential termination of enrolment.
- The absence of prior consultation with students and staff before the Rule came into effect.

A rights-compatible approach, consistent with established human rights standards and domestic laws that govern freedom of expression, would regulate genuinely harmful conduct - violence, threats, intimidation, targeted harassment, serious property damage, or material obstruction of essential access. Instead, the current Rule suppresses peaceful protest because it is disruptive, uncomfortable, or politically contentious.

Process and Governance Concerns

Our concerns lie not only with the substantive aspects of the Rule, but also with how it was made.

The University's own governance materials state that Vice-Chancellor Rules can be made directly under the Vice-Chancellor Regulation and are "separate to University policies and their supporting processes." Accordingly, this pathway lies outside the normal policy-development framework and raises concerns that the Rule bypassed the consultation expectations ordinarily associated with university policy.¹

That concern is echoed in the [UMSU Advocacy Position on the new Vice Chancellor Rules](#), which argues that the Rule bypassed the University Policy Framework, including requirements that policy align with the objects of the University, comply with legal and community expectations, and be developed and reviewed in consultation with key stakeholders.

¹ University of Melbourne [Processes](#) page



Any regulatory framework involving protest will affect core student rights including political expression, association, assembly, participation in campus life, and, in some cases, the practical ability to continue their education.

UMSU is of the view that this impact alone should have been sufficient to warrant an extensive consultation process with student representatives.

Moreover, universities are public institutions with distinct obligations of legitimacy and transparency. The University's statutory objects include promoting critical and free enquiry, informed intellectual discourse, and public debate within the University and wider society.

As such, retrospective consultation is a poor substitute for genuine consultation, especially given the restrictive nature of the Rule. While a review is welcome, it does not cure the legitimacy problem created by imposing the Rule first and asking affected communities a year later.

A student-rights perspective

The Blanket Indoor Protest Ban is Overly Broad

Clause 1 states that protests may only be held outdoors. Clause 2 says protests must not be held inside any building used for university activities. *Prima facie*, that is a blanket ban on all indoor protest regardless of scale, duration, location, or actual impact.

This sledgehammer approach does not distinguish between:

- a peaceful sit-in in a foyer,
- leafleting in a corridor,
- a short symbolic action inside a building,
- a vigil in a common area, and
- an occupation that prevents teaching or safe access.

Human rights law strongly disfavours this kind of blanket prohibition. The joint [Human Rights Law Centre/Human Rights Watch/Amnesty letter](#) written to the University after the Rule was first announced, correctly points to the principle that restrictions on peaceful assembly should be based on an individualised assessment, and that blanket restrictions on peaceful protest are presumptively disproportionate. Moreover, almost half of the Rule is devoted to provisions that appear purposefully designed to create a chilling effect on activism.

Universities are not shopping centres or workplaces in private enterprise. Protest has long been part of campus civic life. While there may be a necessity for a university to regulate time, place and manner of certain protest action, a categorical indoor ban is very hard to justify in an institution whose statutory mission includes free enquiry and public debate.



Clause 3 is too vague

Clause 3 prohibits protest or “other protest activity” that:

- “a. unreasonably undermine[s] the capacity of individuals to participate fully in the University”;*
- “b. prejudice[s] the fulfilment” of the University’s duty to foster “safety and wellbeing”;* or
- “c. unreasonably disrupt[s] activities or operations of the University”.*

UMSU is of the view that these elements are far too broad and open-ended.

In particular, the phrase “Participate fully in the University” is vague and indeterminate, while the term “safety and wellbeing” risks collapsing genuine safety concerns into everyday discomfort, upset, or disagreement.

In our view, “unreasonably disrupt” is especially problematic because peaceful protest frequently seeks to disturb ordinary routines and draw attention to prompt an institutional response.

Rules should promote certainty and be capable of clear meaning, and given the unambiguous disciplinary consequences contemplated by the final section of the Rule, this is a major flaw. Students and staff are entitled to regulate their conduct by reference to clear standards in advance; the current drafting is too imprecise to permit that.

It is in these sections that the Rule most plainly gives rise to a chilling effect. Where boundaries are uncertain, and the consequences are potentially onerous, many students will prefer to err on the side of self-censorship.

There has been widespread reporting regarding this ‘chilling effect’. Table 1 sets out reports foreshadowing the chilling effect this Rule may have on student protests on campus.

Table 1: Examples of reports foreshadowing a chilling effect on student protests

The Junction, 11 June 2025 reported fears of a chilling effect at Melbourne University, quoting UMSU president Joshua Stagg saying students were given “no forewarning” and were blindsided, and quoting NTEU branch president David Gonzales saying the rules would make campus life “more sterile” and lead people to “play it safe.” The article also reports concerns that students, especially international students, may avoid protest because they cannot risk disciplinary trouble, and that staff fear misconduct charges and job loss.

Honi Soit, 17 April 2025 reported the joint intervention by HRLC, HRW and Amnesty, including statements that the policies would have “a chilling effect on campus life” and a “serious chilling effect” on freedom of expression and opinion for students and staff.

Amnesty International Australia, 16 April 2025 said the new settings expose students and staff engaged in peaceful sit-ins or protests deemed “disruptive” to surveillance and severe disciplinary action, including termination of enrolment, reinforcing the deterrent effect.

Human Rights Watch, 17 April 2025 similarly described the protest restrictions as ill-defined and warned that peaceful protests viewed as disruptive could lead to severe sanctions.

GSA’s statement on protest consultation is also useful institutional evidence. It says the rule “appears to broadly discourage any action that causes disruption, even though disruption is often essential to the impact and purpose of protest,” and calls for transparency and reconsideration.

Since the Rule came into force in March last year, the UMSU Advocacy Service has received a significant number of enquiries from students seeking advice on the implications of the Rules for protest activity. We have advised that, given the overly broad and vague nature of the Rule, we are unable to provide assurances that legitimate forms of protest will not be caught by the Rule. Consequently, a number of students have chosen to abandon planned protests.



Massive Overreach

The Rule expressly says that “other protest activity” includes “individual forms of action”.

That means the Rule is not confined to large demonstrations or encampments. It potentially reaches individual and low-level forms of political expression, such as:

- the dissemination of pamphlets by individuals,
- postering,
- symbolic displays,
- silent vigils,
- one-person pickets,
- small banner actions,
- or conversations and meetings associated with organising.

Accordingly, the current Rule regulates not only assemblies but also ordinary forms of campus political communication.

It has the cumulative effect of discouraging the very activities that foster an engaged and participatory citizenry. In our view, this denies graduates the opportunity to carry those formative experiences into the wider community and to advance democratic values beyond the university. An institution that describes itself as “public-spirited” should ensure that its rules do not suppress political expression.

Sanctions are disproportionate for peaceful political activity

The Rule warns students that breaches may result in removal from premises, immediate orders, the inability to attend classes or examinations, restrictions on access to campus, general misconduct findings, sanctions on enrolment, and even suspension or termination of enrolment.

For many students, especially international students, those risks are neither remote nor theoretical. Disciplinary action can affect academic progression, fees, visas, future employment, and willingness to engage in collective action at all.

While UMSU acknowledges and respects that the University has an obligation to public safety, we are of the view, along with various high-profile human rights organisations,² that any provisions regulating political expression should include explicit proportionality safeguards.

The Rule does not indicate, for example, that suspension or termination of enrolment should be reserved for serious misconduct involving violence, threats, harassment, or major property damage. Neither does the Rule require decision-makers to consider protest rights before imposing sanctions, nor does the Rule contain a clear internal review mechanism.

² See Amnesty International Australia, [‘University of Melbourne Urged to Drop Repressive Anti-Protest and Surveillance Policies’](#) (Media Release, 16 April 2025); Amnesty International Australia, [‘Australian Universities’ Moves to Restrict Student Protests May Breach Human Rights Law’](#) (Statement, 11 July 2024); Human Rights Law Centre, Amnesty International Australia and Human Rights Watch, [‘Letter to Professor Emma Johnston AO, Vice-Chancellor, University of Melbourne’](#) (15 April 2025); Human Rights Law Centre, [‘University of Melbourne urged to drop repressive anti-protest and surveillance policies’](#) (Statement, 17 April 2025).



Human rights and legal-policy framework

Even if the University contests the precise extent of its obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic), we are of the view that the Charter, together with applicable international human rights standards, remains the appropriate framework against which this review should be conducted.

As Amnesty International, Human Rights Watch and the Human Rights Law Centre point out, the University is likely to be considered a public authority under the Charter, and relevantly, sections 15 and 16 protect freedom of expression and peaceful assembly, while section 13 protects privacy.

Further, the International Covenant on Civil and Political Rights provides that restrictions on peaceful assembly must be necessary in a democratic society and directed to legitimate aims such as public safety or the rights of others. The Office of the High Commissioner for Human Rights materials on [General Comment No. 37](#) support the propositions that blanket restrictions are suspect and that peaceful assemblies may still annoy or offend others without losing protection.

The review of the Rule should also have regard to the October 2024 statement by the [UN Special Rapporteur](#). It says universities should respect peaceful activism and refrain from surveillance and retribution against students and staff for expressing their views or participating in peaceful assemblies.

Most relevantly, the UN Special Rapporteur has said:

these actions threaten and discourage public participation and open discourse, severely impacting the rights to freedom of expression, particularly for Palestinian and Arab students in expressing their identity. This poses a profound threat to democratic systems and institutions, especially when young people are affected. It risks alienating an entire generation, damaging their participation and perception of their role in democratic processes. Universities must recognize that their responsibility extends beyond campus borders – their actions have the potential to shape political discourse, culture, civic education, and ultimately, the future sustainability of democracy, freedoms and human rights.³

There is no question that many recent protest restrictions across Australian universities appear excessive and disproportionate, may burden freedom of political communication and assembly rights, and are likely to chill activism in ways that undermine universities as places of debate and democratic formation. The *Use of University premises and facilities: conditions regarding protests Rule* is no exception.

Justifications are not enough

We acknowledge that the justification offered for the establishment of this Rule has been safety, prevention of disruption, and protection of the educational environment. While UMSU agrees these are legitimate objectives, we are of the view that the present Rule is insufficiently tailored to these purposes.

Specifically, it is neither clear what specific safety risks the Rule actually addresses, nor why less restrictive alternatives were not preferred. Existing legal and policy instruments already deal with violence, harassment, intimidation, property damage, obstruction, and serious misconduct.

³ Gina Romero, '[Recommendations for Universities Worldwide for the Second Semester of 2024: Safeguarding the Right to Freedom of Peaceful Assembly and Association on Campuses in the Context of International Solidarity with the Palestinian People and Victims](#)' (Statement, 2 October 2024) 8.



The University has never previously required a blanket indoor protest ban to respond to conduct of that kind.

The Rule also leans too heavily on “wellbeing” language, however, in a university, intellectual discomfort is not the same thing as danger. As UMSU has variously pointed out,⁴ the fact that someone says protest makes them feel unsafe should not alone become a licence to suppress political action.

We are of the view that, in the context of tertiary education policy, this is particularly important. UMSU does not believe that universities are meant to promise a frictionless environment, free from political or ideological contest. They are meant to sustain robust disagreement while intervening firmly against genuine intimidation, vilification, discrimination, threats, and violence. Restrictions that blur those categories invite misuse.

Summary of Recommended Changes

The Rule should be withdrawn.

If the University will not remove the Rule, then it must be substantially rewritten around the following principles.

The University recognises peaceful protest as a legitimate and protected part of university life. Protest may occur on university premises, including indoors, provided it does not involve violence, threats, intimidation, targeted harassment, serious property damage, material obstruction of essential access, or material and substantial disruption to teaching, assessment, research, or safety-critical operations.

In applying this Rule, the University must act compatibly with freedom of expression, peaceful assembly, academic freedom, and principles of procedural fairness. Offence, discomfort, disagreement, or minor and temporary disruption are not, without more, grounds for prohibition or disciplinary action.

Additionally:

1. There should be a presumption in favour of peaceful protest, whether indoors or outdoors.
2. The blanket indoor ban should be repealed. Indoor protests should be regulated by reference to conduct and impact, not prohibited categorically.
3. The Rule should target clearly defined harms only: violence, threats, intimidation, targeted harassment, discrimination, serious property damage, material obstruction of essential access, or material and substantial disruption of teaching, research, assessment, or safety-critical operations.
4. Terms such as “participate fully,” “wellbeing,” and “other protest activity” should either be deleted or tightly defined.
5. The Rule should expressly state that discomfort, offence, reputational embarrassment, political disagreement, or minor and temporary disruption do not by themselves justify restriction or sanction.
6. Any sanctions regime should be graduated and proportionate, with suspension or termination of enrolment reserved for serious misconduct.
7. The Rule should require written reasons for any restriction imposed under it, and there should be a prompt internal review pathway.
8. The University should publish annual de-identified enforcement data.
9. Future changes should be developed through a representative working group including students, staff, unions and relevant governance bodies.

⁴ See e.g. UMSU Advocacy Service, [Safe Student Activism](#).



Conclusion

The current Rule is not appropriately calibrated to the role of a university. Introduced as it was via a top-down pathway outside ordinary policy processes, it contains a blanket ban on indoor protest, relies on vague and subjective concepts, and threatens severe disciplinary consequences for conduct that may still be peaceful political expression. These features are likely to chill student participation, narrow democratic life on campus, and undermine the University's own statutory mission of critical and free enquiry and public debate.