

1. Claimant
2. Roger Morgan
3. First
4. "RM1"
5. 28.11.13

IN THE BRIGHTON COUNTY COURT

CLAIM NO

UNIVERSITY OF SUSSEX

Claimant

-and-

PERSONS (INCLUDING STUDENTS OF THE UNIVERSITY OF SUSSEX) ENTERING OR
REMAINING ON THE CAMPUS AND BUILDINGS OF THE UNIVERSITY OF SUSSEX FOR
THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF
SUSSEX)

Defendants

WITNESS STATEMENT OF ROGER MORGAN

I, Roger Morgan, of the University of Sussex, Falmer Hill, Falmer, Brighton, BN1 9RH will state as follows:-

1. I am Head of Security at the University of Sussex ("the University") and am authorised to make this Witness Statement on behalf of the University in support of the University's anticipation of asking the Court to grant a summary order for possession pursuant to CPR Part 55.
2. Insofar as the facts and matters referred to herein are within my own knowledge, they are true and in so far as they not within my own direct knowledge they are true to the best of my information and belief, acquired in the course of acting in my capacity as the Head of Security of the University of Sussex.
3. I exhibit hereto a bundle of copy documentation and correspondence, to which I shall refer in the course of the Witness Statement, marked "RM1".

The University

4. The University was established in the 1960's and has a global reputation. We have numerous students taking undergraduate and postgraduate degree programmes.

The Campus

5. The University's campus covers a large area at Falmer outside Brighton. I shall refer to the campus throughout this Witness Statement as "the Campus". General maps of the Campus are at pages 1 and 2 of Exhibit "RM1".
6. The University's leasehold title to the Campus is registered at HM Land Registry under title numbers SX110974 and SX110975.
7. True Official Copies of the University's registered title with title plans are exhibited to this Witness Statement marked pages 3 – 11 of exhibit "RM1". A copy of the lease referred to in the Official Copies is exhibited to this Witness Statement marked pages 12 - 21 of exhibit "RM1".
8. As the Campus is private land, only persons with the licence or consent of the University may enter or remain on the Campus.

The Students at the University

9. The University places a high value on providing its students with a fulfilling education in their chosen discipline. There are a wide range of activities on the Campus and the Campus environment is the focal point for the lives of students attending the University. We therefore seek to ensure that our students have the right environment on the Campus to enable them to settle in and study effectively in a safe environment.
10. The protestors have no right to conduct a 'sit-in' as they are doing. This taking of occupation upon University property is a trespass which extends well beyond the terms on which students are entitled to access upon University property.
11. Furthermore, the University's Ordinance on Student Discipline (see pages 22 – 31 of Exhibit "RM1" (the "Ordinance")) forms part of the student contract on the part of each student of the University. In particular:-
 - 11.1 Paragraph 2(1) of the Ordinance states that *"Students shall maintain a standard of conduct which is not harmful to the work, good order or good name of the University"*

11.2 Paragraph 3 of the Ordinance includes as examples breaches of discipline as:-

11.2.1 *Paragraph 3(2)(a) – Conduct injurious to the academic or administrative activities of the University e.g. disruption of teaching, of research, of examinations, of the working of staff)*

11.2.2 *Paragraph 3(2)(e) Rileous or disorderly conduct (whether or not causing damage) within the University or conduct within or without the University seriously affecting good order within the University.*

11.3 Paragraph 3(2) of the Ordinance makes it clear too that the listed examples of breaches of discipline are illustrative only and shall in no way prevent the University from considering and adjudicating upon any other conduct which shall be referred to as an alleged breach of discipline.

11.4 There is a serious risk to health and safety as a result of the unauthorised occupation of the Campus by the protestors.

The March 2013 Protest

12. In May 2012, the University announced its plans to work with external partners to deliver catering and facilities management services on the Campus. Following a campaign against this proposal, a large group of people (approximately 300) took up occupation in the conference centre on the top floor of Bramber House after storming the main staircase (Bramber House is shown edged red on the Campus maps at pages 1 and 2 of Exhibit "RM1").
13. Bramber House is a multi use facility and includes a shop and other student facilities, University conference centre containing kitchen and bar facilities, some seminar teaching space and some administrative office space.
14. The occupation started in February 2013 and continued for over 6 weeks culminating in arrangements for a national demonstration to take place on the Campus on 25 March 2013. The national demonstration was arranged without any liaison with the University. Following a series of violent protests, an injunction was given in the High Court of Justice Chancery Division by Mrs Justice Proudman dated 25 March 2013 (at pages 32 – 35 of Exhibit "RM1").
15. In summary, it was the University's case in the possession proceedings that the protest in March 2013 resulted in:

- 15.1 harm to persons or property in breach of health and safety regulations in place for the protection of students and other users of the University's campus and buildings;
 - 15.2 health and safety breaches through unauthorised access to the roof and terrace areas at Bramber House;
 - 15.3 other disruption to Bramber House including relocation of the University housing office, disruption to the development and alumni phone-athon which raises money for students, cancellation of events for potential students which in turn jeopardised the future admissions to the University and damage to the seminar teaching rooms on the second and top floors of Bramber House; and
 - 15.4 the taking of various floors of Bramber House by the protestors which necessarily involved the breaking down of locked doors.
16. As the main occupied building on Campus, Bramber House was noted as being an integral part, and effectively acting as a HQ and base for the wider occupy Sussex movement which was responsible for the Campus wide protest on 25 March 2013. A chronology of the violent protests of 25 March 2013 is documented in the extract from libcom.org (at pages 36 – 60) of exhibit "RM1") and, in the context of the Campus wide protest refers to "Bramber House being the first building occupied in February 2013" (at 16.15) 'a mass meeting with over 650 people present over what comes next' (at 15.51) 'protestors moving from the once occupied management building [Sussex House] to Bramber House to reinforce occupation and that occupation seems to have spread throughout the building which is a conference centre' (15.30) 'people not being allowed access to Bramber House to support the occupation' due to the presence of police' (15.10) 'occupiers leaving occupied management building and leaving to enforce occupation at Bramber House (site of original occupation)' (15.05) 'Bramber House where the occupiers are on the top floor reportedly now on lockdown' (9.47).
17. It was also the University's case in the injunction and the possession proceedings in March 2013 that there are in fact a large number of opportunities and channels for students to express their views other than through occupation of Bramber House. These included:
- 17.1 a weekly students' union newspaper which is distributed widely around campus and has carried numerous articles on opposition to the University's plans. Student writers have written many articles reflecting the occupiers' concerns;

- 17.2 this same newspaper has social media and webpages which share and promote these students' views;
- 17.3 the opportunity to hold peaceful demonstrations and marches around the campus which has been done on a number of occasions prior to the occupation in Library Square
- 17.4 Freedom of assembly in Library Square and stalls which students have used to promote their cause;
- 17.5 Annual General Meetings of the University of Sussex Students' Union ("USSU") at which motions about outsourcing were put to be discussed earlier this year. I am advised that those meetings failed to attract even 450 students needed for a quorate vote;
- 17.6 The USSU which was after the AGM mandated by its Union Council to support opposition to outsourcing plans and is represented on all university committees;
- 17.7 The USSU could make available its rooms and resources to them since their mandate is expressly to support anti-outsourcing activity;
- 17.8 At least three open meetings which the University held with students and promoted by USSU which attracted no more than 60 students despite mass promotion;
- 17.9 Attendance by the occupying students (uninvited but tolerated) at staff open meetings with the VC in the Spring 2013 term;
- 17.10 A student TV and radio station which likewise promote student views;
- 17.11 Ability to stand freely for election to USSU posts as a platform for its views;
- 17.12 Facebook and social media pages which they use to promote their views;
- 17.13 mass flyers, posters and stickers across the campus which they use to promote their cause.
- 18. The University was successful in obtaining judgement for possession. In particular, we would draw the Court's attention to the judgement of Mr Justice Sales in paragraph 20 when he surmises *"the protestors occupied the entirety of the third floor of Bramber House and have, in substance, completely neutralised the ability of the University to use Bramber House for various activities, including in particular as a conference centre. The interference that the protest causes to the rights of others is thus very considerable. In*

- 17.2 this same newspaper has social media and webpages which share and promote these students' views;
- 17.3 the opportunity to hold peaceful demonstrations and marches around the campus which has been done on a number of occasions prior to the occupation in Library Square
- 17.4 Freedom of assembly in Library Square and stalls which students have used to promote their cause;
- 17.5 Annual General Meetings of the University of Sussex Students' Union ("USSU") at which motions about outsourcing were put to be discussed earlier this year. I am advised that those meetings failed to attract even 450 students needed for a quorate vote;
- 17.6 The USSU which was after the AGM mandated by its Union Council to support opposition to outsourcing plans and is represented on all university committees;
- 17.7 The USSU could make available its rooms and resources to them since their mandate is expressly to support anti-outsourcing activity;
- 17.8 At least three open meetings which the University held with students and promoted by USSU which attracted no more than 60 students despite mass promotion;
- 17.9 Attendance by the occupying students (uninvited but tolerated) at staff open meetings with the VC in the Spring 2013 term;
- 17.10 A student TV and radio station which likewise promote student views;
- 17.11 Ability to stand freely for election to USSU posts as a platform for its views;
- 17.12 Facebook and social media pages which they use to promote their views;
- 17.13 mass flyers, posters and stickers across the campus which they use to promote their cause.
18. The University was successful in obtaining judgement for possession. In particular, we would draw the Court's attention to the judgement of Mr Justice Sales in paragraph 20 when he surmises *"the protestors occupied the entirety of the third floor of Bramber House and have, in substance, completely neutralised the ability of the University to use Bramber House for various activities, including in particular as a conference centre. The interference that the protest causes to the rights of others is thus very considerable. In*

particular, it involves a major intrusion on the property rights of the University. But it goes wider than that, in my view. The loss of business revenue which the University is now suffering is causing strain to University finances, and ultimately the people that pay the price, if matters are not brought to an end and business resumed, will be staff at the University, who may be at risk of losing their jobs".

The November 2013 Protests

19. On 26 November 2013, the University held an awards ceremony in Bramber House. Approximately 60 students used the event to obtain access to Bramber House and are now claiming to be in occupation of the whole of the conference facility on the third floor (pages 128 to 130 of Exhibit "RM1"). One senior staff member was injured and was bitten during the protestors' attempts to enter the third floor of Bramber House. The protestors are occupying the premises without the permission or consent of the University.
20. The protestors, upon entering Bramber House, either destroyed or taped over or stopped the feed from the CCTV cameras in Bramber House which formed part of the evidence against them during the March 2013 protests. CCTV footage was captured of hooded students with partially covered faces entering the conference centre and, in one instance (at page 112 of Exhibit "RM1") a protestor stood near a camera holding tape to their mouth as if to tear it off. This is followed seven seconds later timed 18:56:35 (at page 113 of Exhibit "RM1") by a photo of the same camera partially covered by either paper or tape. We also understand that the protestors have removed ceiling tiles in an effort to access the cables leading to the CCTV apparatus. We also confirm that the protestors have accessed the (approximately) fifty foot roof of Bramber House to disconnect the CCTV camera situated thereon.
21. The students were seen entering the third floor to Bramber House with padlocks and chains to restrict access to University staff and security. The doors to the North of the conference centre have been bolted and chained and the windows of these doors covered in paper to prevent visibility. Prior to the covering of these windows, I saw that the protestors have moved some furniture to create barricades against the doors. This is a health and safety concern in the event of fire.
22. The occupation released a further statement overnight (at pages 120 to 126 of Exhibit "RM1") stating that "This evening, Sussex students have reoccupied the Bramber House Conference Centre to protest and fight against the privatisation of services on our campus, and the marketisation of higher education. Privatisation and marketisation

have been forced upon students and staff due to the ideological government policy of austerity which is intentionally underfunding higher education. This occupation is part of ongoing actions at the University of Sussex by students and staff in protest. Our fight against privatisation has been going on since May 2012".

23. The protestors issued demands that the University:
 - 23.1 bring privatised Chartwells catering and conferencing services back in-house and to revoke the impending contract with Interserve which intends to privatize estates and facilities management in January 2014;
 - 23.2 restructure democratic procedures of the university, led by students, staff and lecturers with the purpose of re-evaluating channels for holding management accountable, as well as reviewing and extending student and workers' say in decision making processes;
 - 23.3 end the intimidation that senior and middle management have used to deter students and workers from airing and acting on their concerns;
 - 23.4 publicly address the issues of the strike on the 3rd of December, including a written statement calling on the Universities and Colleges Employers Association (UCEA) to meet the demands of the trade unions in question;
 - 23.5 issue a public statement demanding more funding for higher education institutions from the government in order to abolish tuition fees and ensure high quality education accessible to all;
24. It is estimated that the cost of the current occupation includes:
 - 24.1 additional security costs (approximately £4,000 per day);
 - 24.2 the value of food and drink which was in the kitchens of Bramber House; and
 - 24.3 a loss in revenue owing to the University being unable to utilise the space.
25. A protest was held in Library Square at 1pm on 27 November 2013. The protestors handed out flyers (page 127 of Exhibit "RM1") in support of the occupation. Approximately 30 to 40 extra protestors joined the occupation after this event. During this event, staff in the University's housing office, located within Bramber House, were scared and locked themselves in to prevent the protestors accessing their office.