

1. Claimant
2. John Leo Duffy
3. First
4. "JLD1"
5. 03.03.10

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION**

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 JOHN LEO DUFFY

I, John Leo Duffy, of the University of Sussex, Falmer Hill, Falmer, Brighton, BN1 9RH will state as follows:-

1. I am the Registrar and Secretary of 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 application for an order for an injunction as set out in the Application Notice herein dated 3 March 2010 and an anticipated order for possession.
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 Registrar and Secretary 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 "JLD1".

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". A general map of the Campus is at page 1 of exhibit "JLD1".
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 filed plans are exhibited to this Witness Statement marked pages 2 to 10 of exhibit "JLD1". A copy of the lease referred to in the Official Copies is exhibited to this Witness Statement marked pages 11 to 20 of exhibit "JLD1".
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.

The Protest

10. On 03.03.10, a group of approximately 100 protesting students forced entry to the University's main administrative building, Sussex House. Sussex House is where the Registrar and all the University's key members of staff and key departments are based. It is essentially the central management building for the University.

11. Since forcing entry, the protesting students have attempted to take control of Sussex House. Amongst other things, they have locked key members of staff including myself into their offices against their will, they are causing damage to the building and ransacking the offices and they are reviewing highly confidential University records.
12. This latest protest is one of a number of protests recently at the University and appears connected with the students' "Stop the Cuts" campaign against the closure of departments and pay and job security of staff at the University. During the last protest, student protesters occupied rooms in another key University building, Bramber House which was due to host a large conference. This had to be relocated.
13. Copies of some relevant Facebook and Twitter pages relating to the current protest and the last protest are exhibited at pages 21 to 27 of exhibit "JLD1".
14. The protesters have sought no formal discussion or dialogue with the University save for issuing some demands in an email to the University on 09.02.10. A copy of the email is at pages 28 and 29 of exhibit "JLD1". They have not sought to use the well established channels and processes for student involvement in the running of the University despite being represented by students on every committee, including special committees set up on issues such as restructuring.

The Injunction/Possession Order Sought

15. 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.
16. Furthermore, the University's Ordinance on Student Discipline (see pages 30 to 39 of exhibit "JLD1") ("the Ordinance") forms part of the student contract on the part of each student of the University. In particular:-
17. 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.*"
18. Paragraph 3 of the Ordinance includes as examples of breaches of discipline as:-
 - 18.1.1 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)*

18.1.2 Paragraph 3(2)(e) *Riotous 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.*

19. 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.
20. Not only are the protesters holding key members of the University's staff hostage, they are causing significant damage to the University's property, they are disrupting the smooth running of the University and they are accessing highly sensitive and confidential information which the University has a duty to keep confidential.
21. There is also a risk to health and safety as a result of the unauthorised occupation of Sussex House by the protesters. As others are being encouraged from various sources to join the protest, this situation might only get worse. Again, I refer, for example, to the website entries at pages 21 to 27 of "JLD1" which encourage others to join the protest.
22. In summary, the University has a responsibility for the safe and orderly running of the Campus, to thousands of students and staff on the Campus and to hundreds of visitors to the Campus. There is a concern that "professional" protesters who are not students have already joined or will be encouraged to join the protest if this is not stopped. Attempts by non-students to join the protesters causes concern not only for the welfare of the general student community but also for the protesters themselves. This concern extends not just to Sussex House but to all of the Campus.
23. The purpose of the University is to provide higher education to students. At present this is being affected by the protest. The University is concerned that further disruption of its teaching programs will affect the student community.
24. The University is also concerned that further situations may arise and that the existing situation may be perceived by the students as creating a precedent. It is clear from the protests that have already taken place that if allowed to continue unchecked, many more protests of this type will be planned for the future.
25. In the light of the situation which I have described I respectfully ask on behalf of the University for an injunction in the terms of the draft Injunction attached to the Application Notice dated 03.03.10.

26. I also make this witness statement in anticipation of asking the Court to grant a summary order for possession pursuant to CPR Part 55.

27. With respect to the possession order, I will respectfully be requesting the Court to grant such an order to cover the entirety of the Campus, notwithstanding that the 'sit-in' occupation is currently only in Sussex House. If the Defendants are forced to move from one part of the Campus only, then it is highly likely that this will only result in them moving to another part of the Campus.

Undertaking in damages

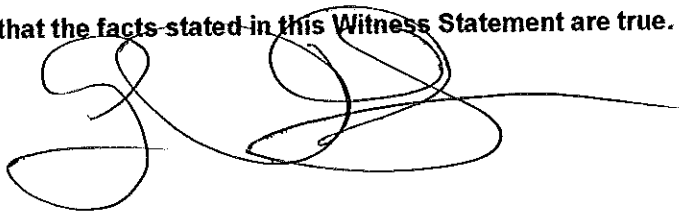
28. I am able to confirm to the Court that the University is aware of the requirement for a cross-undertaking in damages and that the University is able and willing to provide such an undertaking.

Service

29. With respect to service, I request an order pursuant to Rule 6.8 of the Civil Procedure Rules that the affixing in conspicuous places around Sussex House of copies of the Claim Form, the Order and this Witness Statement (and exhibits), shall be good and sufficient service.

I believe that the facts stated in this Witness Statement are true.

Signed

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Dated

03.03.10

A long, thin, slightly curved handwritten signature in black ink.

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WITNESS STATEMENT OF JOHN LEO DUFFY

This is the exhibit "JLD1" to the First Witness Statement of John Leo Duffy dated 03.03.10

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Defendants

WITNESS STATEMENT OF JOHN LEO DUFFY

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