



*Association of University Chief Security Officers*

## **Student Occupations and Sit-ins**

### **A Good Practice Guide for HEIs**

AUCSO is grateful to the author for producing this document, which is published by AUCSO for use by University and HE Institutions as a guide for planning for student occupations. It is open for discussion and further suggestions on this subject are welcome. Please forward any comments to the AUCSO Chief Operating Officer. © AUCSO 15 February 2010

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## **1. Introduction**

This booklet has been produced to assist staff and management to review their current arrangements and plan for future incidents. It provides advice on dealing with student sit-ins or occupations. Situations and circumstances may vary. This booklet should not be considered a definitive guide. Advice and recommendations should be adapted as necessary.

## **2. Planning for the Threat**

All protest action requires preparation and planning by protest groups. Protestors will need to identify suitable venues for occupation, mobilize support, produce banners, placards and leaflets. It is during this planning process HEI management first have the opportunity to identify the potential for protest activity. Early identification of indicators that a sit-in or occupation is being planned will assist the University in conditioning that nature of the protest, minimising the potential impact and duration. Indicators that planning for an occupation or sit-in can come from a number of areas:

### ➤ Internet

Most modern protest activity is coordinated electronically. The use of the internet and social networking sites in general assists protest in planning and mobilizing support. Judicious monitoring of blogs, websites and social networking groups can provide excellent forewarning of planned protest.

### ➤ Information from the campus community

Campuses are diverse communities. For every group motivated to protest on a certain issue there will be another group who oppose this. The maintenance of good relations with the campus community at all levels will often result in information being passed about planned protest activity. HEI managers dealing with security should develop and maintain a network of contacts within the staff and student bodies that will provide this forewarning.

Where possible, dialogue should be established with student pressure groups, clubs, societies and political organisations. These organisations should be engaged and encouraged to liaise with University authorities if they are planning protest.

### ➤ Information from external agencies

The Police and other agencies can provide excellent intelligence on intended protest activity. Contacts should be maintained with local Police and specialist agencies.

➤ Identification of reconnaissance and planning

In some cases protestors will be familiar enough with a venue or target area that they will not need to conduct a reconnaissance. However, in most cases the protestors will want to conduct reconnaissance in order to establish the suitability of the venue for protest or occupation. They will want to establish levels of security and the presence of infrastructure such as ablutions and communications (wireless broadband access, Mobile telephone coverage etc.). Staff should be encouraged to pass on details of individuals behaving incongruously in areas of the University that could be targeted for occupation.

There will come a point where the potential for protest or sit-in activity is considered real and present. There is often a difficult balance to strike between responding to genuine incidents and 'jumping at shadows'. If in doubt it is useful to apply the 'intelligence rule'. Corroboration of potential protest from 3 independent sources should be sufficient for the threat to be confirmed. This rule is not 'hard and fast'. In some cases a single report from a reliable source may be sufficient to warrant further action. However, where there is doubt the 'intelligence rule' provides a useful framework.

## 2.1 Intelligence Preparation

When the threat of protest has been confirmed and is considered worthy of response, managers will need to look at ways that the impact and duration of the occupation or sit-in can be minimised. Most University Security organisations will not have sufficient resources to effectively deny every potential venue for a sit-in protest to protestors. Intelligence preparation of the campus or estate should be conducted in order to establish security priorities. An operational plan can then be drawn up that seeks to channel protest activity into areas where it is least sustainable and/or has the least impact.

An assessment should be conducted of the campus area in order to establish the following:

- Areas where occupation would cause very significant impact to the workings of the University
- Areas where an occupation could be sustained for a significant duration due to the availability of infrastructure within a site that could be held by protestors (i.e. where there is access to utilities such as ablutions, catering and communications within the occupied area)

This assessment is best conducted in association with other departments and divisions within the HEI who have a specialised knowledge of critical areas and systems (IT, Maintenance etc.). It may be the case that much of this information is available in the institution's business continuity plans.

## 2.2 Security Operational Planning

Intelligence indicators and intelligence preparation should provide a picture of the locations vulnerable to occupation that would have a major impact on the working of the University. This process should also identify areas where, without intervention, a protest could be sustained for a significant duration.

Areas can then be prioritised into those where access by protestors is to be denied or conceded. It is worth considering at this stage how far security will go in denying areas to protestors. Options range from the simple locking down of critical area through to the authorisation to physically prevent protestors from gaining access on the basis of a protective injunction or trespass legislation (See 'Legal Options' in section 4).

Operational Planning should aim to channel the occupation into an area where it will achieve minimal impact even if its duration is extended, and where access to the necessary infrastructure for an extended occupation is not present in the area controlled by the occupiers.

## 2.3 Structured Management Response

As the risk of a sit-in or occupation matures into an actual sit-in or occupation, it is likely that the HEI will convene a group of staff to deal with the incident. This may follow an existing emergency management model (i.e. Gold, Silver, Bronze groups) or it may be an ad-hoc organisation.

For many senior managers at an HEI sit-ins and occupations will be familiar territory. For others this type of protest represents a problem that they will have difficulty contextualising and responding to. Managers engaged in the operational planning for protests (heads of security, security managers and facilities managers) should work to provide a structure for the management team's decision making. This is done by articulating options and encouraging the team to define roles.

The exact composition of the team dealing with the sit-in will vary by institution and incident. A few points of best practice are worthy of consideration:

1. Consideration should be given to who carries out the negotiation on behalf of the HEI. As well as the correct temperament, the negotiator(s) will need to have a sufficient level of authority to be able to offer and accept commitments on behalf of the HEI as part of the negotiation process. However, the negotiator should always have a higher authority to whom he/she is referring. This ensures that problematic demands can be examined and considered before a response is provided. This also allows

- the negotiator to use time to his/her advantage by referring problematic demands to a more senior executive/manager or committee.
2. The management group should have clear aims for the resolution of the dispute. It is often valuable to identify negotiating positions that cannot be crossed (so called 'red lines') and concessions that may be made in order to affect a settlement
  3. The team dealing with the sit-in should appoint administrative personnel to deal specifically with the sit-in/protest throughout its duration. Incidents of this nature require considerable administrative activity particularly in the development and support of legal options.
  4. A written record needs to be maintained of all activity relating to the incident. For clarity this is often best managed as an 'operations log', recording events and actions that relate to the incident, and a 'policy log' that annotates the decisions reached by the incident management team and the reasoning behind them.

### 3. Management Options

The HEI's incident managers have a number of options for dealing with a sit-in. the most common are detailed below. It should be noted that circumstances will vary in each case. These approaches should be used as a guide and changed or amended as necessary.

a. Prevent the sit-in before it begins

In instances where the threat of a sit-in has been identified, but no actual protest or occupation of property has taken place, it is possible to discourage occupation through a protective injunction or through increased security measures.

b. Permit the sit-in

Most HEIs will have a level of protest that they consider acceptable. Protest activity may be tolerated or even encouraged that does not contravene the institutions regulations. In many cases, through prompt negotiation, it may be possible to resolve the protest before it becomes disruptive. Alternatively it may be possible to come to a consensual agreement that the protest is conducted in a manner that minimises disruption

c. Don't negotiate and require protestors to leave university/college premises.

This option will usually need to be supported by legal action and/or disciplinary action against the students involved. (Most HEIs will have a clause in their disciplinary code to deal with incidents of this nature. However it is worth reviewing this to ensure that current procedures are applicable to this type of incident). This option is effective if the university does not want to be seen to concede to protestations or groups willing to use direct action. However, this is a high risk approach that requires careful judgment as to the strength of support the protestors have and the sustainability of their occupation. It is possible that threats of legal or disciplinary action will coalesce support behind the protest. A failure to identify the sustainability of the protest could lead to a protracted and drawn out occupation.

d. Refuse to negotiate until the sit-in/occupation has ended

The approach involves expressing a willingness to negotiate, while refusing so to do until the sit-in has ended or interrupted. This is a

difficult position to maintain. However, if successful it can hold out the prospect of ending an occupation quickly while not being seen to concede to the demands of the occupiers

e. Negotiate

This approach is the most widely applied. Most HEIs are prepared to engage in dialogue with student protest groups. This usually has the benefit of bringing the occupation to a relatively swift conclusion while accepting that this position will assist the protest group in publicising its cause. It should be recognised that the fact that negotiation will generate publicity means occupiers will seek to maintain the protest and negotiations as long as they feel that this is in their interest (i.e. where they are garnering and receiving support). The final success or failure of this approach rests with the negotiators who will decide the balance of actions demanded by the protest group that are conceded or resisted by the HEI.

#### **4. Legal Options**

This guidance gives a laypersons guide into legal options for dealing with sit-ins. It is not a substitute for formal legal advice. This is not a definitive guide and details may vary in different jurisdictions.

a. Consider options other than legal.

Most sit-ins and occupations are carried out by students who are members of the institution and subject to its disciplinary code. The threat of exclusion from study will often be more effective than the threat of legal action. Disciplinary codes should be reviewed to ensure that mechanisms exist to deal with student protest action where it falls outside the bounds of that considered acceptable by the institution.

b. Protective Injunction (if the sit-in has not yet started)

If the potential for a protest or sit-in has been identified, either through threats being made by the organising group or through effective intelligence, the University may seek a protective injunction to prevent the threatened action from taking place.

c. Early stage eviction using trespass legislation

It may be the case that the HEI feels that the potential impact of a sit-in is so great that they wish to take immediate action to remove protestors using trespass legislation. In at least one instance this approach has been used by an HEI to prevent a protest. This option should be exercised with some caution. Trespass legislation is complex. This type of solution has a better chance of success against subsequent legal challenge if the action is taken swiftly. This response will also be considered more appropriate if there are additional factors that make an immediate eviction necessary such as a concern over health and safety. It is advisable that if this option is exercised a legal opinion is taken and the eviction is witnessed by Police if at all possible.

d. Injunction to restrain protest

If protestors have occupied the HEI's premises or facilities an injunction can be sought to prevent the protest from spreading and prevent further activists from joining the protest. This action is usually taken in conjunction with possession proceedings (below).

e. Possession proceedings and eviction

Possession proceedings are used to recover possession of a piece of land once it has been occupied. If successful this will provide the authority for a writ of possession which can be served by court enforcement officers as the basis for an eviction of protestors from the HEI's premises.

f. Jurisdiction and timescales

In England injunctions of this nature are usually issued by a High Court. For both injunctions and possession orders there is normally a delay of approximately 2 days from the application being made until the hearing. However, in some jurisdictions it is possible to apply for an abridged service that can ensure a hearing within 2 hours of the application being made. The application for an abridged service has to be made in a preliminary hearing.

#### 4.1 Preparatory Steps for Legal Action

Both the cost and the timeframe for legal action can be abbreviated if the HEI have planned ahead. Providing that the correct information is available an HEI could, where necessary, deal with an occupation within a matter of hours rather than days. The ability to take swift legal action can materially affect the impact of an occupation. The following preparatory measures should be considered:

a. Prepare draft proceedings

Much of the paperwork for legal proceedings can be prepared in advance. Claim forms, particulars of claim, application notices and orders can be drawn up and the relevant specifics added in the event of an occupation or sit-in.

b. Ensure your title is in order

The successful application for injunctions and possession orders depends on the HEI's ability to prove ownership of the occupied site. Collecting proof of title can be time consuming if it is not done in advance. This is particularly the case if the site is unregistered or made up of different registered titles.

c. Maintain written records

Injunction and possession orders require the submission of a witness statement in support. This statement needs to set out the details and

background of the sit-in or occupation. There needs to be a clear explanation of the situation on the ground and an explanation of why the occupation needs to be brought to an end. Details must be provided of the risk that the occupation poses to property, reputation, health and safety/personal injury, profitability and finance.

d. Standard operating procedures and plans

Maintain procedures for dealing with occupations and sit-ins. These are useful in putting the HEI's response to an occupation in context. Providing they are adhered to they can also be useful in demonstrating to a court that any given response was considered and proportionate. As with all procedures these should be regularly reviewed and exercised.

## **5. Operational Considerations**

Every occupation/sit-in will vary. However some best practice suggestions have been identified in consultation with managers who have dealt with occupations and sit-ins. The following points could be considered when managing the occupation:

- a. Consideration should be given to maintaining the HEI's legal responsibilities throughout the sit-in. Health and Safety is a particular concern. Where possible a situation should be encouraged where security and safety staff retain access to the area affected by the sit-in. This has the added benefit that these staff will be able to provide valuable information to the negotiating team on the morale and intensions of the protestors.
- b. Where security and safety staff are unable to carry out their duties the onus should be placed on the protestors to ensure that they comply with necessary legislation (ensuring that fire exits are clear etc.). This should be documented.
- c. Operational decisions should not be taken in isolation. The location of cordons, levels of security staffing, restrictions on access or movement throughout the campus can have a significant impact on negotiations. Any action must be considered in the context of the negotiation and coordinated with the negotiation team. Any operational plan should seek to provide the negotiating team with options and pressure that they can bring to bear.
- d. Consider audience perception. The duration and impact of a sit-it will be dependant on the amount of support that the protestors

receive. Always consider the perception of the wider campus and public audience in decision making. Any action should seek to reduce support for the protest while maintaining the HEI's integrity and reputation. Maintain constant communications with those managing public/external relations and the media.

- e. Work with public/external relations to develop a statement that can be given by HEI staff if they are approached by members of the press. This should be short and refer journalists and information seekers to HEI's press relations staff or authorised spokesperson.
- f. Communication – email and internet. Communication is critical to protestors. Most groups will issue press statements and organise speeches and events that seek to highlight their protest. The denial or restriction of access to the internet and e-mail can be an effective tool to make a sit-in less sustainable.
- g. Proposals to cut utilities (water, electricity) supplies to areas affected by the sit-ins should be subject to careful consideration. Their denial, particularly prior to possession being established, may leave the University liable to legal challenge.
- h. Any proposal that fire/smoke alarms be initiated in order to affect the removal of protestors should be treated with extreme caution. A failed attempt to remove protestors through the use of these systems risks conditioning protestors to ignore safety alarms. In the event of a subsequent (real) incident this could endanger life and lead to liability to prosecution. Protestors should be made aware that the School will not attempt to remove students under the guise of a safety related incident. Protestors should be specifically instructed that safety alarms of any type should be responded to as real incidents.
- i. Any occupation/sit-in will place pressure on security resources. Ensure that you have contingencies in place to bolster staffing levels through arrangements with contract security companies or mutual aid MOUs/agreements with local partners.
- j. Gather information and think laterally about options. Information on the participants, morale and intentions of protestors is critical to the negotiating team. Determine as much as you can and ensure that there is a mechanism to pass this direct to other incident managers and negotiators. Especially where protestors external to the institution are involved, the more information that can be ascertained the better. It is often the case that a polite appeal to a

protestor's employer/institution can achieve by consent that which could only otherwise be achieved through legal action.

- k. Remember that, where the sit-in is conducted by students, they remain your customers and members of the institution. Regardless of their conduct the HEI has a duty of care. Keep the protest in perspective. Caution all operational staff to act with propriety and avoid aggressive behaviour.

## **6. Endgames**

Unless there is an intention that a strong example be set, it is usually better that any protest action ends with a whimper rather than a bang. HEIs will be keen to keep the level of friction in any eviction scenario to a minimum. To this end coordination with court enforcement officials and the Police is essential. HEI managers should make clear their expectations for the treatment of student protestors during any eviction. A consensus should be strived for on the methodology of the eviction and the levels of force used. HEI managers will need to be conscious of the effect of eviction action on post occupation campus relations.

Effective planning for a sit in can help mitigate the impact of eviction resulting from the serving of injunctions and possession orders. It is less problematic to deal with individuals or groups of protestors who have left an area of occupation to access utilities (ablutions, communications etc.) than it is to deal with a large group within the occupied site determined to resist eviction. It is at this stage of an occupation that action to restrict utilities to protest groups becomes more appropriate. This should be coordinated with enforcement bodies for best effect.

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