

### **This Union notes:**

- Edward Bauer, Vice President Education at The University of Birmingham Guild of Students, was arrested on 16th September for peacefully suspending a banner protesting university fees and education cuts during the Lib Dem party conference (**See Note 1**).
- The arrest and detention for a minor act of civil disobedience was widely criticized as a repressive criminalisation of peaceful protest; with the entire NUS NEC signing a letter to the Home Secretary calling for his release after this arrest; widely publishing a petition for his release over NUSConnect to this effect ([nusconnect.org.uk/news/article/soccit2711](https://nusconnect.org.uk/news/article/soccit2711)).
- This was also joined by a call from Birmingham UCU ([defendtherighttoprotest.org/banner-drops-are-not-a-crime-free-ed-bauer/579/](https://defendtherighttoprotest.org/banner-drops-are-not-a-crime-free-ed-bauer/579/)) for his release, with a Lib Dem MP also appearing in court to his defence during his bail hearing. Birmingham Trades Council have also condemned both his arrest and suspension.
- University of Birmingham Guild of Students - without any consultation with the Guild's democratic bodies - has suspended Edward from his role as Vice President Education "indefinitely" and with "immediate effect" banning him from using his work phone, e-mail or even entering the Guild premises. This occurred without a disciplinary hearing, and was merely announced to Edward as he attempted to return to work representing students.
- That he is, and remains, the democratically elected Education Officer of the Guild; with no Vote of No Confidence taking place against him.
- That the employment nature of sabbatical officers is a complex area, with NUS publishing guidance which suggests ordinary disciplinary routes ought only be taken in cases of misconduct; specifically cases in which a political process would be inappropriate, such as sexual harassment. Otherwise it suggests the political process of censure and votes of no confidence should be used to deal with problems with performance and other such political problems ([nusconnect.org.uk/news/article/6054/1895](https://nusconnect.org.uk/news/article/6054/1895)).
- Without any warning or disciplinary hearing, the University of Birmingham have suspended his status as a student. They have banned him from entering campus and all his University accounts have been shut down without any notice.

### **This Union believes:**

- That the only body capable of dismissing or suspending a sabbatical officer is the student body themselves through referenda.
- That the only body which has the capacity to determine whether a union has been brought into disrepute is the student body. For any other body to do so is in breach of the student led nature of a union's organisation.
- That for any other body to dismiss or suspend a sabbatical officer is a gross breach of a union's democracy. No disciplinary action is valid unless it is done democratically by students.
- That this is an issue for all students and students unions, which sets an uncomfortable precedent for the treatment of sabbaticals involved in activism.
- That the University suspending him as a student further impinges on the Guild's democratic processes.
- That the Guild and University should immediately reinstate Edward to his position and allow students to hold him to account should they so wish.

## **This Union resolves:**

- To immediately email the Guild Trustee Board, Executive team and other Sabbatical officers condemning the decision to suspend, and to demand that he is immediately reinstated.
- To similarly contact the University of Birmingham's Board of Governors condemning their action of suspending him.
- To act in a similar fashion should any other sabbatical officer, or non-sabbatical officer, be suspended based on their peaceful activism.

### **Additional Information:**

Edward Bauer's Facebook notes announcing his suspension from office on 27<sup>th</sup> September:

([facebook.com/note.php?note\\_id=286754438016909](https://www.facebook.com/note.php?note_id=286754438016909)) and suspension from the university on 30<sup>th</sup> September

([facebook.com/note.php?note\\_id=288320474526972](https://www.facebook.com/note.php?note_id=288320474526972))

**Note 1:** <http://bannerdropsarenotacrime.wordpress.com/about-the-case/>:

"On Friday 16th September, 3 student activists dropped a banner reading "Traitors Not Welcome, Hate Clegg Love NCAFC" for the opening of the Liberal Democrat 2011 conference.

NCAFC is the National Campaign Against Fees And Cuts

All 3 activists were arrested and held in police cells over the weekend, charged with road traffic offences.

At their bail hearing on Monday 19th, the prosecution alleged that debris fell from the banner, causing a danger to road users, but also stated that no damage or injury was caused. The defendants denied the claim that they caused any danger to road users, and pleaded not guilty.

The prosecution asked for bail to be denied to all 3 activists because they believe them to be members of the group NCAFC, because of the Liberal Democrat conference and in the case of Ed, because of a previous conviction for aggravated trespass in relation to Kingsnorth Climate Camp, and because he is currently on bail for being part of the sit-in at Fortnum and Mason, where the senior police officer on site described the protesters as "Non-violent" and "Sensible". It is of course worth noting that of the 145 original arrestees in that case, 6 were not charged and 109 have had charges dropped, and the remaining defendants have all pleaded not guilty, and are yet to be convicted of breaking the law.

Ed did not break any bail conditions – the only conditions of bail were to stay out of London for the Royal Wedding (and Ed did not go to the Royal Wedding, thus upholding his bail condition), and to attend court.

The other two activists who have clean records were released on bail, with conditions to keep them out of the city centre of Birmingham, as defined by the inner ring road. Ed however was remanded in custody, with a further bail hearing set for the following Monday (26th), meaning he will have spent at least 10 days in custody without trial.

In considering her verdict, the district judge specifically ruled out the existence of the conference in her decision making. The judge said that she could not be satisfied that Ed would not commit further offences if released on bail.

Since this offence, and the other unproven offence and conviction all relate to previous protests, we can only interpret this as meaning that she felt that Ed would peacefully protest again if he was not imprisoned, and that she feels it is the courts job to prevent protest by locking people up before it is shown that they have even broken the law.

The decision to hold the activists over the weekend was in itself overly heavy policing of what is a very tame form of protest, but the decision of a court to remand someone on custody – and remember this means that Ed has not had a trial yet and has not been found to have broken any laws – is almost unbelievable.

It raises the general issue of the use of the Criminal Justice system to clamp down on political dissent. This happened because the police keep dragging peaceful protesters to court, in this case almost certainly motivated by preventing embarrassing scenes at the Liberal Democrat conference, which is not the job of the courts. Remand is entirely disproportionate given that it is highly unlikely that either action, even if proven, would result in a custodial sentence."