

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 October 2023

Public Authority: The Governing Body of the University of Derby
Address: Kedleston Road
Derby DE22 1GB

Decision

1. The Commissioner's decision is that, on the balance of probabilities, the University of Derby ('the University') doesn't hold the requested information about trigger warnings and complied with section 1(1)(a) of FOIA. It's not necessary for the University to take any corrective steps.

Request and response

2. In relation to its BA(Hons) English degree course, the complainant submitted the following request to the University on 2 June 2023:

"...1. Are students studying any and or all of the aforementioned modules listed above issued with what might be termed a general content warning and or trigger warning or content note which covers the overall content of each and or all of the modules. Alternatively, this general note or warning could relate to specific literary/dramatic/artistic/poetic traditions which feature in any of the modules and or the work of particular authors/novelists/poets/dramatists which feature in any of the modules. It could also include particular artistic schools and traditions and or particular genres of film and or the works of particular filmmakers/artists/photographers which feature in the modules AND OR particular issues and subjects and or particular historical time periods and or particular historic events and or particular historic

figures and or particular religious figures and or particular religious works which feature in the modules.

2. If the answer to question one is yes can you please provide the following details. In the case of each general trigger warning and or content warning and or content note (s) can you provide a copy of the actual warning and or note. In the case of each warning and or note can you identify what it relates to. Please see the definitions above. In the case of each warning can you identify the relevant module. In the case of each warning and or note can you state when it was introduced and why. In the case of each warning and or note can you state how it is communicated to the student (s). For instance, is it communicated in writing and or verbally.

3. Are students studying any and or all of the aforementioned modules issued with a trigger warning and or content warnings and or content note (s) which apply to specific teaching materials. Please see the definition of teaching materials above.

4. If the answer to question three is yes can you provide a copy of the specific trigger warning and or content warning and or content note (s). In the case of each warning and or note can you provide the title of the teaching material (s) it relates to. In the case of the teaching materials can you identify the relevant novelist and or playwright and or poet and or thinker and or author and or film maker and or documentary film maker and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each warning and note can you state when it was introduced and why. In the case of each warning and note can you state which module it relates to. In the case of each warning and note can you state how is it communicated to students. For instance, is it communicated verbally or in writing.

5. Since 1 June 2022 and in relation to any and or all of the modules listed above have staff felt the need to rest and or drop or edit individual teaching materials (see definition above). If the answer is yes, can you identify the specific teaching materials. In the case each of these teaching materials can you identify the relevant author and or writer and or novelist and or playwright and or poet and or filmmaker and or TV dramatist and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each of these teaching materials can you state whether it has been dropped from the course altogether or whether it has been rested. If information has been withdrawn, can you identify the information which has been withdrawn. In the case of each work that has been dropped and or rested and or has had material withdrawn can you state when this action was taken and why..."

3. In response to question 1, the University advised that it didn't use trigger warnings and that questions 2 – 4 were therefore not applicable. The University's response to question 5 was "No" explaining that it wouldn't alter the curriculum for any reason other than scholarly ones.
4. In its internal review the University explained that it had consulted the relevant Head of School, Head of Discipline, and Programme Leader, as well as the Module Leaders for all English modules for the University's BA English course. It had also considered module handbooks, assessment briefs and teaching materials stored in the University's virtual learning environment. The University confirmed that it didn't hold the information the complainant has requested.

Reasons for decision

5. In their complaint to the Commissioner the complainant noted a published newspaper article¹ about the University from January 2023. This article suggested to the complainant that the University **would** hold information relevant to their request.
6. This reasoning therefore covers whether or not the University holds information within scope of the complainant's request and complied with section 1 of FOIA.
7. Under section 1(1)(a) of FOIA a public authority must confirm whether or not it holds information an applicant has requested.
8. The Commissioner asked the University to address the matter of the newspaper article in its submission to him.
9. In its submission, the University explained that when it was responding to a previous and separate request from a different applicant, the University discovered that a general content warning had been included in the materials used in the Tragedy module of one of its English Literature courses. The University disclosed that information in response to that request, including providing the text of the warning.

¹ <https://www.telegraph.co.uk/news/2023/01/25/students-warned-tragedy-may-triggering/>

10. Subsequently, The Daily Telegraph published the article in January 2023 which quoted this content warning. In fact, the University says, this content warning had been included in the relevant module without the relevant Programme Leader's knowledge or consent. This minor administrative error - which is in the public domain - was corrected. The warning in question was removed as it contravened the approach agreed by the programme team.
11. By the time of current request therefore, the aforementioned content warning "had ceased to exist" [ie the University no longer held it].
12. The University confirmed that its English team is keen to provide a challenging and intellectually rigorous educational experience for its students. The team is opposed to the inclusion of trigger warnings, content warnings or content notes.
13. Finally, the University confirmed that there are no University-wide rules or guidance documents regarding this subject.
14. The Commissioner accepts the University's explanation and the additional reasoning it gave to the complainant in its internal review response. His decision is therefore that, on the balance of probabilities, the University doesn't hold the information the complainant has requested and complied with section 1(1)(a) of FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF