

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 November 2022

Public Authority: **Governing Body of University of Bedfordshire**
Address: **University Square**
Luton
Bedfordshire
LU1 3JU

Decision (including any steps ordered)

1. The complainant requested information from the governing body of the University of Bedfordshire ("the University") about trigger warnings, content warnings and content notes issued to students of BA(Hons) Acting, BA (Hons) Performing Arts, BA (Hons) English Literature and BA (Hons) English Language and Literature courses.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold information within the scope of the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

4. On 16 February 2022, the complainant wrote to the University and requested information in the following terms:

"[...]

Please note that I am now only seeking information which applies to each of the degree courses listed below.

BA (hons) Acting

BA (hons) Performing Arts.

BA (hons) English Literature

BA (hons) English Language and Literature.

Please note that the definition of trigger warnings and or content warnings and or content notes should extend to the following kinds of advice and or warning and or note and or guidance. It should be guidance and or warning (s) and or advice and or note (s) designed to...

(i)...Protect and prewarn students who may be at risk of suffering stress and or discomfort and or anxiety and or emotional upset and or trauma and or distress when they are confronted with and or asked to study/explore stories and or plots and or ideas and or issues and or topics and or characters and or episodes and or images and or artworks and or films and or photographs and or historical and religious writings and or historical artefacts which may in some way reflect their own personal experiences and or other real life experiences.

and or

(ii)...Warn students that the content of courses and or modules and or specific teaching materials and or individual works and or ideas and or writings and or artefacts and or images either contain sexually explicit and or violent content and or have the potential to cause offence because they reference and or deal with and or include issues and depictions relating to age and or disability and or death and or birth and or gender and or sexuality and or race and or religious belief and or political belief and or prejudice and or discrimination and or income and or social background.

Please note that the reference to teaching materials both above and in the questions below should be taken to mean particular novels and or particular plays and or particular poems and or particular pieces of music and or particular musicals and or particular songs and or particular recordings and or particular photographs and or particular paintings and or particular statues and or particular sculptures and or particular busts and or particular drawings and or other kind of artworks and or cartoons and or other animated works. The reference should also include examples of historical writings and historical texts and or any writings from antiquity and or any writings from Ancient Greece and or Ancient Rome and or any sacred religious works (including but not limited to the Bible) and or religious writings and or philosophical works and or political theories/writings. They should also include historical artefacts and or any pieces of armour or weaponry and or human remains and or any fossils and or any historical finds.

They should also include cinema films (live action or animated) and or television dramas and or TV documentaries and or TV programmes (live action or animated) and or individual academic textbooks.

Please redact the names of any students, teaching staff, faculty employees and researchers from the documents and information provided.

I am interested in all information generated and or held by the faculty which relates to its own actions and decisions as well as the actions and decisions of its academic staff and or employees and or anyone acting on its behalf. I am also interested in all relevant information held by the faculty which relates to the actions and decisions of other individuals and or bodies within the University.

1...Do any and or all of the aforementioned degree courses currently issue trigger warnings and or content warnings and or content notes which cover the entire degree and or entire module (s) and or specific topics and or specific seminars and or specific literary/dramatic/artistic/poetic traditions and or the work of particular authors/novelists/poets/dramatists and or particular artistic schools and traditions and or particular genres of film and or the works of particular filmmakers/artists/photographers 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.

2....If the answer to question one is yes can you please provide the following details. In the case of each 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 and or note can you identify the relevant module and degree? 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...Do any and or all of the aforementioned degree courses currently issue trigger warnings and or content warnings and or content note (s) which apply to specific texts and or 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 and degree 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 February 2021 and Irrespective of whether the faculty routinely issues trigger warnings and or content warnings and or contents notes has the faculty and or university and or staff on the aforementioned degree courses felt the need to rest and or drop individual teaching materials (see definition above) and or remove material from those teaching materials. 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 module 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.”

5. The University responded on 15 March 2022 and advised that it did not hold recorded information within the scope of the request.
6. The complainant expressed dissatisfaction with that response on 16 March 2022.
7. Following an internal review, the University wrote to the complainant on 16 May 2022 and upheld its original decision.

Scope of the case

8. The complainant contacted the Commissioner on 16 May 2022, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the University holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

Section 1 general right of access

10. Section 1 of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him”.

11. The Commissioner has sought to determine whether, on the balance of probabilities, the University holds further information within the scope of the request.
12. The University has explained that, in preparing its initial response, it sent the request to the Heads of Department, and relevant Course leads, and asked staff members to look into each question posed in the request, consult with other teaching staff and provide information relevant to the request. The relevant departments discussed the request in detail via email and team meetings. All staff were asked to search within their network folders and emails for any information relevant to the request. Staff confirmed that although some materials and events included warnings to students about nudity, bad language, and strobe lighting, this is not in recorded form. Verbal warnings may be issued.
13. The University stated that, as course leads and other teaching staff are involved in the direct teaching of students and set teaching materials for their respective units, they would be best placed to either know of any issues relevant to the request or have made any logs of issues raised by students relevant to the request. Some of the units advised that, because most students devise their own work, emphasis is on building a trusting and supportive context where students feel safe to explore issues that concern them. If something was raised by a student that affected others they would talk through it as a group.
14. The University also consulted its Head of Learning Technology, Academy for Learning and Teaching who is responsible for the Universities' Virtual Learning environment and they also confirmed that no issues have been raised by students within the scope of the request.
15. The University repeated the searches detailed above when preparing its internal review response and again when preparing its submission to the

Commissioner. No recorded information within the scope of the request was found to be held.

16. The Department of English Language and Literature also held a staff meeting where the request was explicitly discussed and again, all staff were asked to search course materials for information within the scope of the request and provide any relevant information where students had raised a complaint or any issues around content and trigger warnings to the Legal office.
17. The University added that it does not have a central electronic system where trigger warnings are registered or where any such issues raised by students are logged.
18. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the University, as he has not been provided with any evidence that the University would hold further information.
19. The Commissioner is satisfied that the University has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that the University has complied with the requirements of section 1 of FOIA.

Right of appeal

20. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

21. 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.
22. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF