

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 November 2022

Public Authority: Council of the University of Kent
Address: The Registry
Canterbury
Kent
CT2 7NZ

Decision (including any steps ordered)

1. The complainant requested information from the University of Kent ("the University") about trigger warnings, content warnings and content notes given to students in a number of course modules.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold further 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 15 April 2022 the complainant wrote to the University and requested information in the following terms:

"Please note that I am now only interested in information which applies to each of the following twelve modules from the Classics and Ancient History degree courses.

CLAS6670 – Love and Sex in Roman Society

CLAS6740 – Everyday Life in the Roman Empire

CLAS3730 – Classical Literature.

CLAS7080 – Ancient Philosophy

CLAS7620 – Virgil's Aeneid

CLAS7640 – Homeric Epic

CLAS7700 – Egypt and the Classical World

CLAS7630 - The Rise and Fall of Athens.

CLAS7130 - Athenian Power Plays

CLAS7360 - Advanced Topics in Classical Studies.

CLAS3360 - Classical Mythology - themes and approaches to Ancient Greece.

CLAS5870 - History of the Roman Empire from Augustus to Trojan.

I believe the University should be able to process this new request within the time and cost constraints laid down by the access regimes. Please note that the wording of the request may differ to that of previous requests on the same subject. Please let me know if any of the above modules are no longer running or have yet to be introduced. I will then be able to replace them with an alternative.

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 or 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 poems and or plays and or novels 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 and or historical events 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 contain sexually explicit and or racist and or homophobic and or violent and or transphobic and or sexist content and or references and depictions of any of the following: Birth and or death and or sexual relations and or sexuality and or infidelity and or abortion and or gender and or gender politics and or marriage and or homosexuality and or sexuality and or race and or religious belief and or political belief and or prejudice and or discrimination and or youth and or old age and or disability and or murder and or and or slavery and or imprisonment and or domestic abuse and or violence and or torture and or warfare and or bloodshed and or drug use and or alcoholism and or poverty/deprivation and or income inequality and or class and or social position and or environmental collapse.

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 performances and or particular staging's. It should also be taken to mean particular pieces of music and or particular musicals and or particular songs. The reference should also include particular sound 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 historical writings, texts and artworks from Greece and or Rome and or Egypt. It should also include sacred religious works (including but not limited to the Bible) and or religious writings and or philosophical works and or political theories/writings. The reference to teaching materials 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. It should also include particular cinema films (live action or animated) and or the work of particular film directors and or particular film scripts and or particular film stills and or particular film posters and or particular film clips and or television dramas and or TV documentaries and or TV programmes (live action or animated) and or individual academic textbooks.

Please note that I am interested in information applying to all warnings and or notes including those that issued verbally.

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

I am interested in all information generated and or held by the relevant department of the University which relates to its own actions and decisions as well as the actions and decisions of its own academic staff and or other academic staff within the University and other university employees.

1...Are any of the above modules issuing trigger warnings and or content warnings and or content notes and or content guidance which either apply to the entire module and or specific topics on that module and or specific seminars on that module and or specific literary/dramatic/artistic/poetic traditions and or the work of particular authors/novelists/poets/dramatist/historians/philosophers 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 countries and or particular civilisations and or particular historic events and or particular historic figures and or particular religious figures and or particular religious works and or particular philosophies.

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) and or content guidance can you provide a copy of the actual warning and or note and or guidance 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. 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 any of the above modules currently issuing trigger warnings and or content warnings and or content note(s) and or content guidance(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) and or content guidance. 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 philosopher 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 and degree course 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 31 March 2021 and Irrespective of whether the University routinely issues trigger warnings and or content warnings and or contents notes have any teaching staff on any of the modules 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 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.”

5. The University responded on 20 May 2022 and provided some information but advised that no further recorded information within the scope of the request was held.
6. The complainant expressed dissatisfaction with that response on 21 May 2022.
7. Following an internal review, the University wrote to the complainant on 9 June 2022, upheld its original decision that no recorded information was held and considered that in order to respond to question five of the request, section 12 of FOIA would need to be engaged.

Scope of the case

8. The complainant contacted the Commissioner on 11 June 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 recorded information relevant to the scope of request.
12. The University has explained that its FOI team worked with the University of Kent Division of Arts and Humanities Education and Student Experience Manager and the Head of Department of Classical and Archaeological Studies (and Senior Lecturer in Classics and Philosophy) to produce a spreadsheet to easily capture the requested information and the Department Head confirmed that seven of the twelve modules ran during the academic year 2021/22.
13. The University explained that five Module Convenors (lecturers) were responsible for the design, creation and delivery of the seven modules and they provided the requested information confirming that trigger or content warnings were not being issued for the seven modules from the list of twelve that comprised the request, and that ran during the academic year 2021/22.
14. The University confirmed that it does not keep written or electronic copies of trigger or content warnings so the information does not exist.
15. When preparing its submission to the Commissioner, the University reconsidered its use of section 12(1) of FOIA for question five of the request and determined that it did not apply, as information was not held.

16. The University explained that the complainant had previously submitted a much wider request and a sampling exercise was originally carried out for this previous request. Reference to the sampling exercise was then mistakenly included in the University's internal review response. The University has clarified that it has checked again with the relevant staff and confirmed that no recorded information is held about the reasons why course materials have been dropped. It added that there is no school-wide procedure, records or logs of changes to course lists.
17. 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 recorded information.
18. The Commissioner is satisfied that the University has complied with its obligations under section 1(1)(a) FOIA in this case and that no further recorded information is held which is within scope of the request.

Right of appeal

19. 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

20. 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.
21. 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