

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 November 2022

**Public Authority:** **Governing Body of Solent University  
Southampton**

**Address:** **Solent University  
East Park Terrace  
Southampton  
SO14 0YN**

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the governing body of Solent University Southampton ("the University") about trigger warnings, content warnings and content notes issued to students of BA (Hons) English and Creative Writing and BA (Hons) Acting and Performance 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**

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4. On 5 February 2022, the complainant wrote to the University and requested information in the following terms:

"Please note that I am interested in information which applies to any and or all of the following undergraduate degree courses.

BA (Hons) English and Creative Writing.

BA (Hons) Acting and Performance

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 Ancient Greece and or Ancient Rome and or the 'classical period' as well as 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(ies) 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.

Please note that in relations to the questions about trigger warnings and or content warnings and or content notes I am interested in all information irrespective of whether these warnings and or notes are issued /delivered orally and or in writing. I maintain that the department and or the University is likely to maintain records relating to oral warnings.

I ...Are any of the above degree courses currently issuing trigger warnings and or content warnings and or content notes which cover entire degree courses and or specific modules 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 degree and the 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 degree courses currently issuing trigger warnings 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 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 1 February 2021 and Irrespective of whether the faculty(ies) routinely issues trigger warnings and or content warnings and or contents notes has the university and or department and or staff on any of the 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 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 4 March 2022 and provided some sample reading lists to provide context, but these were outside the scope of the request for information. It advised that it did not hold recorded information within the actual scope of the request.
6. The complainant expressed dissatisfaction with that response on 4 March 2022.

7. Following an internal review, the University wrote to the complainant on 31 March 2022 and upheld its original decision.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 2 April 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**

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### **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 information within the scope of the request.
12. The University has explained that, in conducting its searches, course and module tutors in the relevant course teams (20 staff members) were asked to perform a search via their university mailbox for emails which may have been circulated to students warning them of any such content. Course and module tutors in the relevant course teams were also advised to search the virtual learning environment (Solent Online Learning) portal, a platform used to by academic staff to upload teaching material for students to access. The University found that no individual examples of content warnings were identified through this search for the selected courses and modules. Course and module teams confirmed that no written or other records of warnings given orally were routinely maintained.

13. The University's Information Rights team performed an internal search on the University portal to locate any relevant policy or guidance documents surrounding this area. No documents were found. The University's Head of Quality Management confirmed that there was no University policy or requirement to issue or record content warnings and advised that there was no statutory requirement from independent regulatory bodies to issue or record content warnings.
14. When preparing its internal review, the University re-considered the request in its entirety. It concluded that it was rare for a content warning to be issued by a tutor except in the case of a student known to have specific vulnerabilities and, in any such instance, no record was kept of such a warning. It reconfirmed that there was no University policy or statutory requirement to give a warning or keep a record of such a warning when issued.
15. The University acknowledged that although it had tried to be helpful by providing sample reading lists and examples of generic content warnings used for other courses in previous years, these did not fall within the scope of the request for information.
16. 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.
17. 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

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18. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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**