



Academic Freedom Analysis

Possible questions and/or issues to consider further:

- Is there a sufficient pedagogical nexus to the curriculum and expression at issue?
- Does the expression at issue conflict with policies or standards of conduct?
- Is the expression at issue being addressed (e.g. investigated, examined) because of its **disruptive effect**?
- Is the expression at issue being addressed (e.g. investigated, examined) because of the **content of the speech**?
- Any mitigating action by the faculty, such as giving trigger/content warnings of the possibly provocative content?



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

18

18



Retaliation Analysis

Possible questions and/or issues to consider further:

- Did the complaining party participate in **protected activity** that is covered under a retaliation provision?
- Did the complaining party experience a form of **adverse action**?
- If yes to (A and B), was the adverse action taken **BECAUSE OF** protected activity in which the complaining party was engaged in? (Causal connection?)
- Did the person of concern offer a non-retaliatory or non-discriminatory **reason** for the action taken?
- If yes to (D):
 - Was this reason **legitimate**; or
 - Was this reason possibly **pretext** for retaliation or discrimination?



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

42

42