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Research, Teaching, Both, or Neither: How GoKAR! Redefines Academic Freedom in a Post-truth Society

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Abstract

Although academic freedom is defined in the 1940 Statement of Principles on Academic Freedom and Tenure, its purview can be ambiguous and confusing. A recent illustration of this is the University of Texas at Austin's decision-making regarding the GoKAR! (Kids against Racism) Project, an institutionally funded effort incorporating elements of research, service, and teaching that was temporarily halted by UT's administration following complaints of racial discrimination. In this case study, we argue that GoKAR! is innovative and exceeds the scope of the AAUP's 1940 Statement and many commonly held definitions of "research" and "human subjects." Such definitions should be revisited and redefined for our evolving twenty-first-century society.

The *Cambridge Dictionary* defines "post-truth" as a "situation in which people are more likely to accept an argument based on their emotions and beliefs, rather than one based on facts." The contentious discourse surrounding the GoKAR! (Kids against Racism) Project at the University of Texas at Austin may fall under this definition, as GoKAR! has served as a bellwether in the larger and contentious national discussion debating critical race theory (CRT) and tenets of antiracist pedagogy in US schools. Unsurprisingly, the use of CRT and antiracist pedagogy is hotly debated in the historically Republican state of Texas, where the recent controversy surrounding UT's administrative decision-making regarding GoKAR!

makes for an interesting case study of how institutions respond to threats to academic freedom.

First, GoKAR! is a research project exploring how caretakers of white children (ages 4–5) can teach antiracism. However, GoKAR!'s multifaceted nature makes it much more complex. A principal researcher of GoKAR!, Jessica Toste of the University of Texas at Austin, describes GoKAR! as aiming

to develop an educational program for caregivers to teach anti-racism at home with preschool age children (4–5 years). GoKAR! will be framed within an integrative social-cognitive development perspective on prejudice and bias. This perspective considers the interactions between socio-contextual factors, such as social norms and in-group identity, and children's socio-cognitive development. As such, the content for GoKAR! will focus on engaging with children's context to influence emotional and cognitive processes to counter the development of racial bias. The research team aims to recruit caregiver-child dyads over the next year to explore the potential of GoKAR! to reduce implicit bias and increase awareness of structural racism in young children. (Toste n.d.)

What Toste's description does not mention is that the program engages with critical race theory (CRT) as a pedagogical framework. Conservatives continue to use CRT as "post-truth" fodder, with many believing CRT is a "pernicious" and "radical ideology that seeks to use race as a means of moral, social, and political revolution" (Rufo 2021). Despite documented instances of sustained, structural racism in the form of mass incarceration (Western and Wildeman 2009), health-care inequities (Bailey 2017), voter suppression (Hajnal, Lajevardi, and Nielson 2017), police brutality (Chaney and Robertson 2013), and other racist cultural phenomena (Urban Institute n.d.), CRT has been a cultural flashpoint for right-leaning politicians seeking to criticize efforts related to antiracist work, especially in Texas.

Texas's Response to Critical Race Theory and Antiracist Pedagogy

In 2021, Texas' governor signed Senate Bill 3 (2021) into law, mandating how public school teachers can discuss histories of anti-Black racism and how they may engage students on racial and gendered topics, including CRT-related pedagogy. According to the bill's section 4(B)(v-vi),

a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not: teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt [require or make part of a course] the concept that: an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex. (Texas Legislature 2021, 8–9)

This legislation met swift and harsh criticism from the AAUP, which filed an amicus brief with the Office of the Texas Attorney General, stating that:

to ensure academic freedom, it is necessary to protect teachers' freedom to determine what they teach and how they teach it, without the state intruding on those decisions. Teachers must be allowed to teach. Teachers possess the expertise and experience, and the professional commitment to the pursuit of truth, that puts them in the best position to make decisions about teaching. Thus, when it comes to teaching about issues of race, racial inequality, and the potential for achieving racial equality, teachers—not politicians—should determine whether and how to incorporate those ideas into their classes, including the pedagogical use of insights from critical race theory. (AAUP 2021, 6)

In GoKAR!'s case, once the public was made aware of GoKAR! and its antiracist mission, the political pressure on the program (and university) escalated. Mark Perry, a right-leaning professor at the University of Michigan at Flint and fellow at the American Enterprise Institute, filed an Office of Civil Rights (OCR) complaint against GoKAR!, claiming the program discriminated against children of color because only white

students were eligible for educational benefits (McGee 2021). The OCR reviewed Perry's complaint and determined that it should proceed with an investigation.

Subsequently, UT conducted an internal review of the complaint regarding GoKAR! Internally, UT officials asked the GoKAR! team to pause the program. According to UT, "The purpose of that limited pause was to avoid new actions that could create legal violations after the university received notice of the complaint." UT completed its internal review on November 24, 2021, and, after consulting with the University of Texas system legal team, lifted the pause on delivery of new program materials to new participants. In closing, UT (2021) defended its perception of academic freedom, claiming, "Research projects conducted by over 6,000 university researchers cover a wide range of topics with a diversity of perspectives and approaches. The breadth of projects reflects the university's commitment to freedom of thought, speech, and expression, along with long-standing principles of academic freedom."

However, many considered the damage to be done, and UT's initial decision to halt the study raised numerous red flags and criticism. Faculty members from universities across the country, including UT, remarked that pausing GoKAR! negatively impacts Institutional Review Board (IRB) approved research and sets a dangerous precedent for antiracist programs (Flaherty 2021). UT faculty members also criticized their administration for halting an IRB-approved study out of perceived political pressure from Republican leadership in Texas (McGee 2021). In this regard, the decision to develop GoKAR! was criticized by the political right, and its pause was criticized by the political left, raising questions Justice Felix Frankfurter posed in his landmark concurrence in *Sweezy v. New Hampshire* (1954): Who may teach, what may be taught, how shall it be taught, and who may be admitted to study?

Regarding GoKAR!, two more specific questions remain: Why the administrative confusion and why was the study halted in the first place? The OCR investigation may have been the catalyst, but there is no evidence or public record that the OCR sent UT a letter of findings to substantiate the claim, nor did the OCR (n.d.) provide UT with a voluntary resolution agreement to mediate and resolve the complaint, as

is standard. Moreover, UT awarded the research team the grant and was overseeing its planning and ultimate implementation. Any uncertainty over the study's scope should have been clarified prior to the award. Perhaps Sharon Wood, provost at UT, described the situation surrounding GoKAR! best:

In my judgment, I believe the internal documentation confirms that GoKAR! is a research project, which was approved by the Office of the Vice President for Research and the Institutional Review Board. However, I believe that some of the public-facing descriptions of GoKAR!, including the title of the project and some of the promotional materials about the work, unintentionally create ambiguity and may have led some to question of whether GoKAR! is a beneficial education program that excludes potentially interested parents and children who do not identify as white, rather than a targeted educational research study. (Flaherty 2021)

That UT infringed upon the academic freedom of GoKAR!'s principal investigators is clear from Wood's definition of GoKAR! as a "targeted educational research study." Such studies are commonplace across the United States and the world and are not halted over unsubstantiated complaints. However, Wood also mentioned ambiguity, and this ambiguity is what we believe blurred many commonly held definitions of academic freedom, research, teaching, and human subjects. In this essay, we argue that definitions of academic freedom, research, teaching, and human subjects must be redefined to better protect innovative, community-based action research projects such as GoKAR! By reimagining academic freedom in a post-truth era, researchers, institutions, and professional organizations will be better equipped to address public concerns to defend academic freedom, to justify culturally responsive theories such as critical race theory, and to ensure that research can continue uninterrupted and undeterred.

Defining Academic Freedom and GoKAR!'s Challenge

Synthesizing definitions of academic freedom, Ralph Fuchs (1963) reasoned that academic freedom in the United States is based in three

ideologies: intellectual freedom in the Age of Reason, the European concept of scholarly autonomy, and freedoms guaranteed by the Bill of Rights and subsequent case law. However, more recently and examining the issue from an international perspective, Philip Altbach (2001) wrote that “academic freedom seems a simple concept, and in essence it is, but it is also difficult to define” (206), while “there is no universally accepted understanding of academic freedom” (207).

The AAUP (2022) outlines a four-pronged definition of academic freedom that has been endorsed by dozens of educational organizations—including the American Psychological Association and the National Education Association:

- Teaching: freedom to discuss all relevant matters in the classroom;
- Research: freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work;
- Intramural speech: freedom from institutional censorship or discipline when speaking or writing as participants in the governance of an educational institution; and
- Extramural speech: freedom from institutional censorship or discipline when speaking or writing as citizens.

Despite this multifaceted view of academic freedom, GoKAR!’s orientation toward action research and community-based education challenges many of the AAUP’s tenets of academic freedom. First, GoKAR!’s teaching element extends beyond the university classroom, and in this setting GoKAR!’s participants—caretakers of white children—may not constitute traditional notions of a classroom. Moreover, discussion of relevant “matters” may not encompass concepts such as critical race theory, which can be applied to relevant matters but may not constitute a subject matter in itself. In these regards, GoKAR!’s innovative and theoretical approach extends traditional notions of teaching and subject matter (curriculum).

Second, GoKAR! should be considered a research study, as stated by UT provost Sharon Wood and GoKAR!’s principal investigatory team, and as codified by UT’s research grant awarded to the GoKAR! team prior to the public outcry and controversy. However, the “ambiguity” Wood mentions may have been related to the primary function of GoKAR!,

which could be seen as teaching over research. Here, GoKAR! aims to educate caretakers, who would then be equipped to educate their children. What differentiates GoKAR! from many other research studies is its synthesis of teaching and research, and the possibility that the teaching itself and the research itself can become separate research ideas, which could then inform other work, *ad infinitum*. Moreover, if this teaching and research occurs in a community setting outside a traditional university context, the aims and scope of GoKAR! could be confusing for the public and institutional officials.

Finally, any debate over intramural and extramural speech regarding GoKAR! could be settled by the nature of the project's funding source: institutional funding from a public university. Here, the principal investigators for GoKAR! are exercising intramural speech as "participants in the governance of an educational institution." Are GoKAR!'s principal investigators "participants" in GoKAR!? Yes. However, these principal investigators are doing more than speaking or writing. The education they provide to caretakers will be passed along to children of those caretakers, extending far beyond a single group of human subjects. Does the current AAUP definition of intramural speech appropriately protect the action research performed by GoKAR!'s team? Arguably, no. Definitions of intramural and extramural speech should incorporate elements of teaching, especially teaching members of a community apart from a university or sponsoring institution. Here, an expansion of intramural and extramural speech may better define the nature of GoKAR! and remove ambiguity from the project's scope.

Defining "Research" and GoKAR!'s Challenge

We believe GoKAR! exceeds the AAUP definition of research, making it important to analyze GoKAR! according to other standards of research to learn how future definitions are codified. While the AAUP has its definition of research, so do many organizations and federal regulations, possibly confusing the public and researchers themselves, depending on the nature of the research.

In 1991, the US Department of Health and Human Services adopted the Common Rule, an ethical code that extends the Declaration of Helsinki

(1964) to provide researchers with guidelines when conducting human subjects research. Since 1991, over twenty US agencies have adopted the Common Rule as their organization's guidelines for human subjects research, including the Department of Education and the Department of Justice (DHHS n.d.). According to the Common Rule, research is "a systematic investigation including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge" (DHHS n.d.). The rule then clarifies what research is using a two-pronged test: a study is research if (1) it is conducted with the intention of drawing conclusions that have some general applicability and (2) it uses a commonly accepted scientific method.

GoKAR! satisfies these prongs, seeking to provide generalizable knowledge, including developing an antiracist curriculum for caretakers of white children through commonly accepted scientific methods. However, the Common Rule does not address teaching as part of its definition of research, and GoKAR! aims to facilitate intergenerational antiracist education. In itself, teaching does not draw conclusions about general applicability, nor does teaching routinely apply a commonly accepted scientific method in curriculum delivery (lectures, activities, etc.). As a result, GoKAR! is at least partially unprotected by the Common Rule.

Inversely, the Organisation for Economic Co-operation and Development (OECD), of which the United States is a member nation, has adopted a wholly different definition of research. According to the OECD (n.d.b), "Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any particular application or use in view." The OECD's (n.d.a) definition of applied research may better describe GoKAR!: "Applied research is original investigation undertaken in order to acquire new knowledge. It is, however, directed primarily towards a specific practical aim or objective." Both OECD definitions are limited, however, in that they do not address or elaborate on GoKAR!'s innovative teaching element. Surely, teaching could be designated as a "practical aim or objective," but the OECD's definitions of research and

applied research are too weak to ensure that studies like GoKAR! are protected and are not paused once approved.

Another organization with possible purview over GoKAR!'s work is the American Psychological Association (APA), whose online *Dictionary of Psychology* offers its own definition of research, which it treats as a noun and defines as “the systematic effort to discover or confirm facts, to investigate a new problem or topic, or to describe events and understand relationships among variables, most often by scientific methods of observation and experimentation. Research is essential to science in contributing to the accumulation of generalizable knowledge.”

The APA definition mirrors other definitions in its use of “investigate” and “generalizable knowledge” verbiage, but the APA definition of research is limited in its part of speech: for GoKAR!, research is a verb, or, work that will be performed by principal investigators to educate caretakers. The APA's definition does little to protect action research projects from attacks on academic freedom, as the APA considers research to be a noun, a product of academic labor. For GoKAR!, the research is labor—a verb—and subsequent redefinitions of research should embrace elements of community-based action research, including the act of conducting research, teaching, or any other action that leads to what prior definitions have referred to as “generalizable knowledge.”

Finally, the institutional sponsor of GoKAR!, the University of Texas at Austin (2009) publishes “Examples of Activities That May or May Not Be Human Subjects Research” on its Office of Research Support and Compliance website. Therein, UT does not define research but does define “classroom activities,” one of the primary elements of GoKAR!'s work. For UT (2009), “Classroom activities include instructing students in research methodologies and techniques. If the sole purpose of the activity is to teach students research techniques or methodology with no intention to develop or contribute to generalizable knowledge, it is not considered research.”

UT also sees as human subjects research as potentially including the teaching of research methodologies to students, which could be applied to GoKAR! Consider UT's definition of “classroom activities” —caretakers would be considered students, and learning antiracist behaviors and

ways of knowing would be considered a research method or technique leading to generalizable knowledge. Here, UT should have had no issue with GoKAR!'s participant scope, since, by UT's own definition, classroom activities could be considered human subjects research. What complicates UT's definition is the final sentence involving students practicing research on human subjects. Extending the GoKAR! analogy further to consider caretakers as students, this implies that caretakers are practicing research on human subjects, specifically their children. Here, if GoKAR!'s principal investigators train caretakers to practice ethical conduct with their own children, GoKAR!'s educational elements would satisfy UT's definition of "classroom activities" and, by extension, human subjects research. Ultimately, this reading of UT's definition means that UT's administration likely violated its own policies by pausing GoKAR! As a result, organizations and institutions should strengthen their definitions of research and their protections of academic freedom to capture innovative elements of research programs, such as GoKAR!'s intergenerational education component.

Defining "Human Subjects" and GoKAR!'s Challenge

GoKAR! is a compelling and controversial research study because of the ambiguity of GoKAR!'s human subjects. Although GoKAR!'s most immediate human subjects are caretakers, many of GoKAR!'s detractors cited critical race theory and the education of young white children as the sources of their discontent. In their opposition, they may have considered the children to be the main human subjects of GoKAR!'s work, even though GoKAR!'s team may never have any contact with the children. Further complicating matters are national organizations and institutions' unclear or absent definitions of "human subjects" and "research participants."

According to the Common Rule, a human subject is a "living individual about whom an investigator (whether professional or student) conducting research: (i) obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (ii) obtains, uses, studies,

analyzes, or generates identifiable private information or identifiable biospecimens” (DHHS n.d.).

GoKAR!’s primary human subjects are the caretakers of white children. The children are not human subjects of this study, yet GoKAR!’s involvement with children is what has caused the furor among right-leaning individuals and groups. In this regard, one of the most important stakeholders in GoKAR!’s work is not covered by the Common Rule’s definition of “human subjects,” perhaps unfairly opening GoKAR!’s research team to criticism based on its crafting of an innovative study that transcends who are typically considered “human subjects.”

Moreover, in the AAUP’s outlining, the term human subjects is not clearly defined. Although the AAUP’s documentation of academic freedom, academic tenure, and research are robust and clearly stated on the AAUP website, there is no clear definition of “human subjects” beyond mentioning the Common Rule. Here, the AAUP and other professional organizations may not be effectively protecting researchers by clearly defining “human subjects” and how studies such as GoKAR! may blur the lines of who could be considered a “human subject.”

Supporting GoKAR! and Directions Forward

Justice Frankfurter’s tenet of “who may be admitted to study” begs an interesting discussion in GoKAR!’s context: What types of students deserve and would benefit from antiracist education? Additionally, does GoKAR!’s research component also qualify as teaching under the AAUP principles if postsecondary students are not taught? GoKAR!’s antiracist curriculum features a robust research design that involves teachers and students, broadly encapsulating traditional notions of “teaching.” Yet GoKAR! was grant-funded through a public university and was meant to serve as a broader research project to examine the development and efficacy of intentional antiracist education. Is GoKAR!’s work “research” under the AAUP principles? Or is GoKAR!’s work “intramural speech,” as the program was grant-funded but administered by public educators and a public institution? Or does it matter how GoKAR! is defined? We argue that it does, as definitions can be written into policies, and policies

can protect all people involved in research, especially GoKAR!'s research team and the children involved.

The controversy surrounding the GoKAR! study has raised critical questions related to "who may be admitted to study" K-12 contexts and to what extent antiracist studies are protected by university administrations. Had the OCR complaints not been filed because students of color were excluded from GoKAR!, would the program have continued? And should GoKAR! have perhaps recruited both white and students of color to participate in the program and explore how both constituencies react to and develop from antiracist education? Of course, the entire point of the program was to provide white students with antiracist education because historically, white people have perpetrated racist acts, including within the education sector (segregated schools, district redlining, the Tuskegee Study, etc.).

Yet educational researchers constantly conduct experiments with racialized control and experiment groups. Given that GoKAR! integrated CRT to educate white students during the current zeitgeist, is the interruption of the program emblematic of US society's tension surrounding racial inequity and social justice? Because GoKAR! uniquely blurs the lines between teaching, research, and speech, current notions of academic freedom as defined by professional organizations and case law do not adequately protect GoKAR! Critically, GoKAR! also highlights the need to assert the importance of academic freedom in examining questions that have an impact on society. More practically, the professional organizations that support research, researchers, and academic freedom should consider amending policies and definitions to broaden the scope of "teaching" and "human subjects" to better protect those performing research and the democracy that allows research to make a positive impact on our world.

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