

## Consistency of Ethics Review

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**Abstract:** One would expect the ethical review of research proposals to be rather consistent from case to case—in the same way that one expects the courts to consistently interpret the law. In this contribution, I report on the nightmarish situation where two nearly identical and in fact complementary action research studies to be conducted in parallel were evaluated quite differently. I conclude that someone, possibly the chair of a research ethics board, has to be accountable for the fair and consistent application of research ethics regulations.

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### 1. Introduction

In Franz KAFKA's novel *The Trial* (1925/1999), the protagonist is arrested and brought to court without knowing why and what for. Some researchers might feel much the same way when submitting to Research Ethics Review Boards (REBs), especially if it was possible for (nearly) the same proposals to be judged in quite different and arbitrary ways. Such a situation would appear as bewildering to the researchers who apply for ethics review as the court did to KAFKA's Josef K. One of the problematic areas in ethical review are those studies where research on some practice is conducted by the practitioners themselves, such as action research or participatory action research. In this contribution, I write about the nightmarish situation where two proposals for doing the same but complementary aspect of a study have received very different evaluations from the same REB. I conclude with a call for procedures that avoid as best as we can the nature of REB review as an arbitrary process with arbitrary judgments. It is not my intention to review the numerous issues that have been thrown back and forth between REBs and supervisors and graduate students regarding action research in the teacher's own classroom. Rather I would like to relate a case that illuminates a bit of the underlife of ethical review of research. I begin with a brief look at the situation that constitutes the context of much of the kinds of research I supervise as part of my work: action research. [1]

## **2. Action Research**

Qualitative research has become accepted as the dominant style of research in many academic disciplines. As a teacher and especially as a supervisor of graduate student research at a professional school of education, I have seen qualitative research emerge as the dominant paradigm for research. There is no need to persuade the community of researchers in education of the legitimacy and value of qualitative research. The intellectual posturing over methodology has largely been replaced by a recognition, if not respect, for a range of research approaches. But the widespread acceptance of qualitative approaches for research in education has not meant that barriers to such research have been broached. There are particular exigencies to research that teachers who return to university as graduate student researchers must overcome; obstacles that are not shared by their counterparts in other disciplines. [2]

These challenges arise from the dual role that teachers have when conducting research in their classrooms. That is, the teacher-researcher has rights, duties, and responsibilities as a teacher and as a researcher. In general schools encourage teachers to seek higher level of education and promote reflective practice by teachers as a means to improve classroom instruction (BIGGS, 2001; STANLEY, 1998; ZEICHNER, 1994). As a supervisor of teacher-researchers I have encountered instances where this dual role has been problematized within the university particularly by the interpretation of this dual role by the university research ethics board. [3]

## **3. A Nightmare about Ethics Review**

My perception of the situation I write about here does not constitute research. Rather, this is simply a personal perspective based on my experience with a research board at one university. I cannot predict to what extent my experience might be reflected at other institutions. After all the inner workings of research review boards remain a scantily researched area (PRITCHARD, 2002). Reporting my own experience is a troublesome matter because I lived this experience in the role of a university teacher not with the intent or consent to publish as research. I will therefore report the following as the content of a nightmare I recently had. [4]

Not very long ago at a university that is not far away I was part of a supervisory team of faculty for an off-campus graduate program for teachers. My department regularly offers Masters programs to teachers through distance delivery in areas outside of the major urban centers. Teachers, who enroll in these programs as cohorts, take most of their coursework at the off-campus location and then conduct a Masters project as a culminating activity. Most of these projects involve action research in the teachers' own classrooms. Action research provides a means for teachers to apply the content and practices they have acquired in their courses to developing improved classroom instruction (DICK, 2000; JOHNSON, 1993). Such careful self-examination of classroom practices has been identified as a productive approach to improvement of instruction and quality control of instructional practices (METTETAL, 2003; MILLS, 2000). [5]

In the context of one of these off-campus masters programs, I taught a course on research methods and also supervised, along with other colleagues, several of the students in the cohort. During the coursework phase of the program two of the teacher-graduate students discovered that they had both been experimenting with variations of cross-age "paired reading" (BAINBRIDGE & MALICKY, 2004; COOPER, 2002; GUNNING, 2004) in their own classrooms. The general character of this instructional approach is to pair a student from an older grade with a younger student for the purpose of reading to one-another as a way to improve oral reading fluency and attitude toward reading. Over time these two teachers shared their own experiences with the approach and collaborated in designing a new blend of activities that each had found productive. Then, in consultation with their project supervisory committees, they proposed that they would each implement the buddy reading approach they had collaborated on and report on the implementation and effectiveness in their own classrooms. In addition, because they were proposing to implement the same classroom practice, they proposed comparing the results in the two classrooms. That is, they were collaborating in the same study. One teacher had a grade 2 class and the other a grade 2/3 mix. Both projects were to focus on the lowest achieving students in grade 2. One classroom was in a relatively affluent suburb while the other was in a less affluent rural area. [6]

One of these teachers quickly prepared a research proposal that was approved by her supervisory committee and her school and district administration. The research was then sent to the REB for approval. The application followed the pattern we had learned to adopt for action research proposals. That is, to indicate that the classroom practice was to be implemented as part of the regular classroom program and to ask for permission from the parents and the students to use unidentified samples of their work in the project report as well as consent to report reading scores from the beginning and end of the term using only pseudonyms. The REB reviewed the proposal and a reply was received in about four weeks with the inevitable minor changes to the information and consent letters to be sent home. There was also a caveat that because the proposal included the comparison of results from another study, the REB required the approval of the other teacher's proposal as well in order to proceed with the project. [7]

The other teacher-researcher was slower in preparing her proposal. Nearly two months later she submitted her research proposal carefully following the successful proposal of her collaborating partner. After the school, school district and university supervisory committee had approved the proposal it was sent to the REB. Six weeks after that a reply came back requiring more than a dozen amendments. None of these amendments had been mentioned for the previous, approved proposal although the details of the study were the same. The letter from the Chair of the HEB required the following changes among others:

- for the teacher to be present on the playground to prevent children from revealing their participation to one another and violating confidentiality of participation;
- because of concern about possible retribution for nonparticipating students, the REB required that all the teacher's report cards be reviewed by an independent third party to insure that no bias is evident in the report cards of participating and non-participating students;
- that a third party, not the classroom teacher, selects the students to be paired for buddy reading;
- that the phrase, "no risks" be modified to indicate that "the risks involved in this research have been minimized." (Notification from the chair of the REB) [8]

It would be fair to say that I was more than surprised by the result of these two proposals; I was downright angered by such arbitrary decision-making around this crucial aspect of a student's graduate program. I demanded that the application be reviewed and that an appeal be heard. It was then that I learned about the potential for intimidation to comply in a "power over" context. In response to a demand for an appeal of the REB decision, the Chair replied that not only would the rejected proposal be reviewed but also the one previously approved. It was suggested that perhaps neither should be allowed to proceed. A nightmarish situation for me, for the teacher-researcher who had been previously approved and for the bewildered second applicant who was wondering what she had done wrong. [9]

#### **4. Discussion and Conclusion**

The response from the REB to the second submission—which was nearly identical, as it constituted the complementary part to the first study—was unanticipated. What had happened? Two parallel studies, one approved and the other subject to multiple revisions and resubmission. First it was clear that the changes required by the Chair of the REB represented a misunderstanding of the context of the research. The research was to be conducted in a school during school time and was therefore governed by the regulations and requirements of the school. For example, the REB required the teacher to supervise the playground, but a teacher conducting student supervision on the playground would be in contravention of the union contract for paraprofessional playground supervisors; the REB required all report cards to be reviewed by a third party, this is already a requirement for the school principal under the School Act; having a neutral third party pair the students would violate a goal of the research because the selection of reading buddies requires an intimate knowledge of the children, such as the classroom teacher would have, in order to insure compatible matches; and finally it is hard to conceive of a risk of having two children sit together in the classroom and read for 20 minutes several times a week, moreover it seems alarmist to suggest to the children and their parents that any risk exists. Besides, the ethical treatment of the children who might participate in this project are doubly protected, not only by the zealous scrutiny of the REB, but

also through both legislation and a professional Code of Conduct for Teachers that assure the ethical conduct of teachers toward students (BCTF, 2004). [10]

A call to the Chair of the REB would seem to be quite sufficient to resolve these misunderstandings. Why should the same study be evaluated differently, lest the entire process of ethical review become a nightmare? My nightmare continued: When I pointed out to the REB chair that a parallel study had been recently approved without the additional conditions required by the REB, I was stunned by this chilling explanation: different members of the REB had read the research proposals. The Chair of the REB thought it quite natural that the application of the ethical guidelines to a research proposal might result in approval, or not, depending on who read it. As far as the REB Chair was concerned such inconsistency in the application of the ethical guidelines was not indicative of any inequity in the operation of the REB. The realization of just how gross the inequity could be was revealed to me because of the unusual circumstances of these parallel proposals. [11]

The potential for arbitrary unprincipled decisions by the REB should be a matter for grave concern. Perhaps by sharing such incidents, the inner workings of the REBs can become a subject for inquiry and clarification of not only the responsibilities of the researchers, but also of the REBs. Practitioner participation in knowledge generation and practitioners' regular, work-related quality assurance are very closely related. I do not doubt that it is not easy to evaluate projects in which professional ethics and research ethics come to be intertwined; the current framing of the pan-Canadian policy (TRI-COUNCIL POLICY STATEMENT, 1998) provides insufficient guidance in these matters. At a minimum, one would expect the chair of a committee that engages in a division of labor to take the responsibility to assure consistency in the notices of review that go to the researchers. Otherwise, graduate student and faculty researchers alike will find themselves in a nightmarish world that is more real than they have bargained for. [12]

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