

Ethics, Institutional Review Boards, and the Changing Face of Educational Research

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Educational research has enjoyed special exemptions from formal ethical oversight of research on human subjects since the original mandate from the federal government that such oversight must occur. Although interpreting these exemptions has always been a potential source of controversy and conflict for university Institutional Review Boards, the burgeoning use of qualitative methods has further complicated matters. This article discusses the original rationale for special exemptions for educational research and then examines which varieties of qualitative educational research are consistent with it and which varieties are not. The article also examines the formal ethical oversight of student research practica, an issue also complicated by the advent of qualitative methods. Specific policies are offered both for determining which varieties of qualitative research should qualify for the special educational exemptions and for formally overseeing student research practica.

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Educational research has historically enjoyed a special status with respect to formal ethical oversight because a significant portion of it is singled out for "exempt" status in the Code of Federal Regulations for the Protection of Human Subjects (45 CFR 46). Determining precisely which educational research projects should qualify as exempt has always been a source of conflict, potential as well as real, between educational researchers and the university Institutional Review Boards (IRBs) responsible for interpreting and applying the federal regulations. (The ambiguity of "exempt," to be discussed later, is an important part of the problem.) However, this source of conflict has become more pronounced over approximately the last decade, as the face of educational research has been changed by the ever-increasing use of qualitative methods. Because of the intimate and open-ended features of qualitative methods (also to be discussed later), their increased prominence within educational research raises new ethical issues with which educational researchers must grapple. These features also provide the impetus for taking a closer look at the general rationale and criteria for affording educational research a special status vis-à-vis IRB review.

In this article we will discuss several ethical issues associated with qualitative research, with a particular emphasis on the role of IRBs. This emphasis squares with what initially motivated our reflection, namely, controversies between education faculty and the IRB at our university about what should be required of educational research to adequately protect human subjects—controversies rooted in uncertainty about how to apply key provisions of the Code of Federal Regulations and about how to fill in the gaps where the regulations are largely silent. Three such con-

troversies will be the focus of our analysis: the interpretation of the special exemptions for educational research, the accommodation of qualitative research methods, and the oversight of student research practica.

Preliminary to our analysis, however, we will make a few remarks about our position regarding IRB oversight of educational research, for it is by no means universally shared among educational researchers and is itself a source of controversy.

Generally speaking, we believe IRB oversight is a good thing (granting that the ways in which IRBs actually function sometimes leave much to be desired). Contrary to our view, many educational researchers challenge IRB oversight on the grounds that it is researchers, not members of IRBs, who possess the specialized knowledge and experience needed to appreciate the ethical nuances associated with different research methods and different research contexts. They charge IRBs with, among other things, obstructing academic freedom, obstructing the free pursuit of knowledge, and being especially hostile toward qualitative research (e.g., Murphy & Johansen, 1990). Accordingly, these researchers question the legitimacy of IRBs' looking over their shoulders and demanding they fill out the designated forms.

In our estimation, this view is misguided. In the first place, the portrait of researchers assumed is a bit unrealistic. Although moral abominations in social research are rare (but consider Milgram!), other pressures—for instance, pressures to "publish or perish"—are real and ubiquitous, and one need not be a bad person to be tempted to cut ethical corners in response to them, especially if cutting corners is the norm. Furthermore, one need not be a bad person to sometimes be oblivious to ethical worries that others are able to detect, particularly others who have a good deal of experience with the pertinent issues. The portrait of researchers assumed also misconstrues the nature of ethics, inasmuch it commits what the ethicist Robert Veatch (1977) labels the "fallacy of generalized expertise." For example, just as physicians qua physicians have no special expertise regarding whether a woman should accept a slightly greater risk

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