

Notes from a meeting of the  
**NZARE Ethics Working Party**  
11<sup>th</sup> September 2009  
Gallipoli Room, Anzac House,  
181 Willis St, Wellington

**Present:**

John O'Neill (Massey University; NZARE Council) (Chair), Rosemary De Luca (Waikato University), Liz Gordon (NZARE Council; private sector), Mary-Liz Broadley (Open Polytechnic; NZARE Council), Jo MacDonald (MoE) (in place of Lynne Whitney), Jane Gilbert (NZARE Council; NZCER), Colleen McMurchy-Pilkington (University of Auckland; NZARE Council), Luke Strongman (from 1.30pm) (Open Polytechnic)

**Apologies:**

Lynne Whitney, Bronwyn Cowie, Linitä Manu'atu

**Welcome:**

John as the Chair for the group welcomed members. Each person gave a personal introduction, outlining their interest and background in ethics.

**Agenda:**

Items previously distributed included:

- Draft agenda (confirmed)
- NZARE workshop day notes held in November 2008
- Submission to NZARE Council from the meeting 16<sup>th</sup> February 2009
- Report to NZARE Council June 2009 meeting
- Current ethical guidelines or codes from: BERA, AERA and AARE together with NZARE

**Corrections:**

Corrections to 4<sup>th</sup> November meeting notes.

- Page 1, line 4, *Issues around current practice*: should read "not be a tick box".
- Page 3, should read 'audit' rather than 'auditory'
- Spelling of 'principle' in existing NZARE guidelines should also be corrected.

**ACTION:** Jane Gilbert to ask Webmaster to correct

**AGENDA**

*Changes since 1998 a) greater teacher involvement b) impact of technology c) PBRF d) bicultural e) cultural considerations f) contract research g) research 'standards'*

**General discussion points**

- Principle of 'informed consent' is underpinned by 'duty of care', which has a relationship to legal concept of 'proximity'
- The contexts in which revised NZARE guidelines are to be used
- The desirability of developing abstract principles together with a set of practical guidelines
- Operationally, ethical principles might be reflected in operational guidelines informed by the researcher's judgment of context and what is needed by way of ethical action

- Some institutions have research regulations which are binding on NZARE members
- NZARE is a loose professional organisation of voluntary members rather than an accountability or regulatory body
- The working group has to strike a balance between gathering diverse views, seeking consensus and exercising leadership
- The aim of the revision exercise is to show leadership in the identification of best ethical practice for NZARE members
- Some NZARE members also need more practical advice, reflected in the intention that the revised guidelines be supplemented with educational materials, including scenarios, on the website
- Need to ensure sure the working group does not reinvent the wheel, e.g. *'The operational standards for ethics committees'*(HRC).
- Development of education resources should follow revision of principles
- There is a distinction between educational research and research in educational settings – some people use schools to access children (e.g. healthy eating)

*What are the issues that have emerged in the last 10 years that we need to reflect in our guidelines and what might this mean for revising NZARE ethical guidelines?*

- Institutional oversight of research has increased. Some members' first obligation is to their institution's regulations rather than to NZARE guidelines. We therefore have a responsibility to ensure our revised principles are compatible with the institutional guidelines that bind our members.
- There have also been many changes in educational research contexts since 1998 (including virtual and public spaces). Given those contexts and the varied kinds of educational research now being undertaken, there is a strong need for the revised guidelines to define what educational research is. Much 'research' by members is currently done under contract to support official policy development and evaluation.
- In addition, the revised guidelines should articulate the responsibility of researchers to train, induct and mentor others including students and less experienced colleagues.
- Thinking about ethics should be part of the whole research process not just an assurance check list at the beginning. We need to distinguish between ethics procedures and processes. The guidelines should emphasise process rather than procedure but where do we draw the line?
- Equally, what should be provided by way of guidelines, or (given that the revised guidelines will appear online) tiered sets of guidelines? It may be useful to think of the revised tiered guidelines in terms of the ethical principles, their elaboration, and their practical application, while emphasising the importance of relationships. Revised guidelines might usefully have a preamble of sorts. The structure could include: preamble, principle, interpretation, elaboration (with a discursive style used in the elaboration only). There is also a need for supplementary 'help' for members e.g. scenarios and information or education resources

- Need to agree a style, structure, content for the revised guidelines perhaps based on models or exemplars taken from other national association guidelines and codes.

*Good practice from other educational associations (AERA, BERA, AARE)*

(No guidelines could be sourced for the Canadian CSSE or the Irish ESAI)

### **BERA**

- 'principle'- rather than 'standard'-based: standards suggest 'should' or 'must'
- Preamble states the provenance of the code – historical background, context, why it has been changed, the association's aspirations
- Clear separation between parsimonious principles and their elaboration in guidelines
- Headings and bullet points for easy reference
- Introductory letter from BERA president
- Written in plain English
- Included a consultation process, and several iterations over several years to get buy in from membership groups
- Recognition that some research participants in some circumstances would not give informed consent (i.e. a contractual requirement to participate)
- Section on sponsorship including funder decision not to publish. Code states that the purpose of research is to produce knowledge and disseminate it as widely as possible
- Statement regarding when research should not be published (Para 39)

### **AERA**

- Expectation that researchers should keep themselves well informed in own and competing paradigms
- Brevity of principles
- Principles, not standards
- Doesn't tell researchers what to do
- 'Should' is used in places – suggest instead '*We shall not*' statements
- Extensive coverage
- Emphasis on research being useful to various 'stakeholder' groups
- Refers to student researchers
- Intellectual property/ownership statements which recognise that institutions are becoming more 'proprietary'

### **AAERA**

- Preamble, basic moral reasoning, 4 basic principles which are elaborated and the context of each is given (although 4 principles may not be sufficient given that we live in an increasingly divided society (socially, economically, politically, culturally) where some groups have more access to power and have different aspirations to one another and these need to be taken into consideration.
- Structure of document
- Only guideline that uses footnotes
- Awareness of relatively subordinate position and powerless of researcher in relation to the contractor

*Consultation with NZARE caucuses (Māori, Pasifika, Student) & SIGS (ECE): Brief for revision of NZARE guidelines: Timeline update: RFP/Expressions of interest (Members/Non-members)*

Attempting to clarify the brief the group agreed that looking at these other documents had been helpful to provide a basis for discussion

**Some general comments:**

- Guidelines are to act as a 'Framework for dialogue' (i.e. they are not to be seen as hard and fast rules)
- A discursive style was needed in some parts
- Consider the value of having a pocket version, with expanded and more expanded online versions (tiered guidelines)
- Research 'sponsorship' suggests moral obligations for both contractor and agent, there is an interdependence in their relationship
- The principles should be delimited
- Include an injunction against trivial educational research – maybe NZARE needs to give stronger support and guidance to students
- Do educational researchers know what is trivial and not trivial? Has PBRF fostered the production of trivial outputs?
- Should there be a 'whistleblower' clause?
- Training researchers is an ethical obligation, as are decisions about authorship
- Ongoing process therefore not just a one off ethics procedure

**Some Issues**

- Influence of PBRF is not necessarily helpful
- There is increased pressure to publish in international journals rather than local journals. What about access/impact?
- Acknowledge the development of contract research and also the influence of PBRF, as well as the positive outcomes of PBRF
- MoE as monopoly commissioner of research should be seen to acting ethically (principal-agent relationship). This could lead to concern about how contract research is carried out (relevant to NZARE preamble)
- There are different ways of conceptualising educational research
- Need to be aware some people reading these guidelines will be adhering to range of contractual and ethical arrangements so need to complement those
- Encourage worthwhile research and challenge trivial research
- Some research revisits populist topics, but generates no new knowledge

**Who are we writing the Ethics document for?**

- Incorporate needs of members who come from different background, institutions, PTEs, small as well as large, those who have a history of education, statutory bodies, other crown entities and students

**What we would like to see:**

- Clarity on purpose of document
- A statement on the characteristics of educational research?
- Structure: Preamble, principles, elaboration of the principles

- Bicultural document. Māori should have full involvement in the process – how might this happen and when?
- Not just a Māori translation of what's in English
- A recommendation could go to Council that maybe we set aside some funding for Māori caucus to meet over time – this needs to be a long term view as this process may take longer with consultation amongst Māori
- Clear elaboration of principles, exemplification, other resources and links even if these are separate web-based documents.
- Guidelines should permit members to engage in difficult conversations as well as having guidelines for implementation
- Support for BERA preamble, with principles not standards, and principles separate from guidelines (with a hyperlink to follow these)
- Need to include NZ context and a rights based discourse
- Emphasis on plain English important
- Avoid 'should/not', 'must/must not'
- In terms of promoting conversation may need to use 'provocative' language
- Sub sections on contract research, research training (staff & students), reporting and dissemination of research, clear sense of what is community and who are researched, clear in preamble the status of document e.g. moral or other responsibility to be taken into account,
- Document consultation process, recognition may be parallel process over time particularly Māori but also Pasifika

**ACTION:** John to talk with Māori caucus and to also contact Health Research Council to find out what process they may have used with their Māori communities

### **Suggestions on structure**

(a) 3 categories (i) preamble and statement of where guidelines come from (past & future), purpose, what issues are; (ii) principles and elaboration, argument, contextualisation; (iii) other resources, here's more stuff, where researchers can go for help

(b) 4 sections: (i) Researchers, research & community, what is ethical basis, dissemination, non sexist, non racist; (ii) Responsibilities to participants, conduct and context; (iii) responsibilities – contract research, publication, funding, relationship of funding to research; (iv) our responsibilities (and particular expertise of NZARE) – responsibility of researcher - including educational research and their relationship to their institution and how they should act (intellectual responsibility)

### **How should we proceed?**

- Employ some one to write guidelines
- Do it ourselves
- Articulate the sections we want and what should be in each and then get someone to write this up
- Write it ourselves and then get someone to tidy it up

Need to consider working group members – some have service as part of their job and some don't (time and money involved)

### **Agreed**

- Writing be separate (to the group) and paid
- Working group to act as a reference group and with some input
- members of this working group to each decide their preferred involvement

### What might the document look like?

- preamble
- principles
- 4 constituents – participants, broader community, sponsors, community of researchers

### OR 4 layers

- preamble
- principles
- guidelines
- resources

### Preamble

- provenance of the document
- aspirations and coverage of guidelines
- leadership role of NZARE
- new research context
- NZ context – nature of education & new research context (from US AERA statement moral obligations of researcher), leadership of past and of future, constitution to foster high standards (how it fits in with constitution & aims) – how guidelines to be used, as framework for conversations, not rules; (see Australian (AAERA, para 5);
- P 5 Para 6 in BERA – (put here or in principles)
- Need to define what is educational research (a lot of what MoE does is evaluation or policy research)
- Put a review date for the document in the preamble

### Principles

- each principle be a ‘pearl’ in its own right and then linked to a hyperlink that contains more information
- from principles to applied guidelines that fall out of this, e.g. participants have right to be informed and give consent
- guidelines on e.g. informed consent will have different possibilities related to the participants’ context
- May need to think about ethical principles in 3 ways - AAERA lines, along typical western lines, Kaupapa Māori –

### 4 constituencies (participants, broader community, sponsors, community of researchers)

#### *Participants*

- Informed consent
- Detriment, right to withdraw (Detriment to participants)
- See BERA document from p 5 onwards contains best model for this
- NZ Bill of Rights
- Incentives
- Privacy & confidentiality
- Storage of documents
- Dissemination of results

- Cultural competence – respect for cultural diversity between researcher and participants (see p 4 under General AERA)
- Integrity of the research
- Reporting back – see AERA – Guiding standard 2.10 findings
- Australian (AARE) - p 3 trivial research
- subordinate students or others
- confidentiality – reporting back

Comment – no mention of ‘greater good’ or benefits or ‘no risks’

#### *Broader community*

- AAERA
- Be well informed about social/cultural context that operates around research/participants – General p 4 Australian & Studying Groups p 5 (further down see also Investigations which repeat or trivially extend well established research ... )
- Institutions & Public domain (p. 6) – see public good
- Responsibilities to propagate research that benefits the most disadvantaged and report it in such a way to .... cf health research
- Value for social equity ...
- Responsibilities to the community - Articulate our research such that it informs policy
- Reporting our research as effectively as possible

#### *Sponsors*

- BERA p 10, para 30, 32, 33 >>>
- People who have ongoing contractual arrangements or moral power
- Advocacy role (e.g. PPTA, Right to Life, Maxim Institute), funding research
- Moral and contractual control
- Advocacy groups (taking a political position)
- Sponsors are working in a different discourse to the researchers
- (Who is this being written for – the sponsor or the researcher? – see No 34)
- need to write principle around No 39
- authorship – student & supervisor; contractual specifications & publication
- Principle - When research is funded by external agency the researchers should be able to publish their findings under their own names but if you have waived this right (see No 39)
- See AERA section 5
- AERA sect 5, No 8 & 9 (declarations of bases and rationale)
- Australian – Sponsorship and Ownership also next section on Integrity of Research (although this may be a guideline rather than principle)

#### *Community of education researchers*

##### *Responsibilities*

- to our colleagues
- to NZARE
- to the reputation of the research community
- to students
- research training
- technology (assumptions and different generation’s understanding about privacy, and cultural understandings of ownership)
- training researchers on p 10 AERA Section 6 – issues about supervisors, ownership
- Notions of reciprocity, helped and being helped Australian p 11

- Misconduct of educational research community – phrase positively as a duty – by conducting research as high standards – AERA
- Authorship para 43-48 BERA
- AERA – most of document particularly section 2, 3, 4, 6 also good document for operationalising section

*(Liz thanked for her work in the above)*

### **Summary**

- Notes will be sent out for everyone to make any corrections
- Each person to decide what their input will be in the next part of the process
- Aim for end of October for a draft
- John to Liaise with Linda and Māori and Pasifika caucus
- Colleen will also talk with Māori caucus
- Liz offered to draft principles and elaboration
- John offered to work on preamble and overarching ethical principles
- Rosemary offered to act as ethicist critical friend on draft
- Luke offered to draft definition of research
- Everyone agreed to act as reading group on draft