SHORT REPORT

Fieldwork and the IRB: A snapshot

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An increasingly common theme in publications on ethical review in the social sciences is the burden that regulation places on researchers. But empirical findings of the extent of the problem are difficult to find, and much of the criticism of ethical review boards rests on anecdotal and individual reports. Within linguistics there has also been a greater focus on ethics, but discussion has focused on field research, and ethical regulation has not been systematically surveyed. In this report I present and discuss the results of an anonymous survey of linguistic fieldworkers and their responses to human subjects review. These results provide a snapshot of fieldwork regulation and its effect on field practices.*

Keywords: ethics, fieldwork, regulation, IRBs, consent, documentation, endangered languages

1. INTRODUCTION. The burden that regulation places on researchers is a common theme in publications on ethical review in the social sciences. Katz (2007), Feeley (2007), and others have portrayed research review as a type of censorship by ethics committees who, in Stark's (2007:777) words, 'infringe the rights of researchers'. Empirical documentation of the extent of the problem is difficult to find, however, and much criticism of ethical review boards rests on anecdotal and individual reports. There has also recently been a greater recognition of the importance of ethics within linguistics, but discussion has focused on field research conduct (Rice 2006, Thieberger & Musgrave 2007, Bowern 2008, Dorian 2010, Innes 2010, O'Meara & Good 2010). That is, much of the discussion focuses on the broad ethical responsibilities field linguists have to the communities in which they do linguistic research. Ethical regulation is seldom mentioned.

The emphasis on linguists' broad ethical responsibilities impacts applications for research ethics review. The stress on 'collaboration' and 'research partnerships' (e.g. Rice 2006, Yamada 2007, Glenn 2009, and Guérin & Lacrampe 2010), where research participants have an active role in both the form and content of research, does not always fit easily with the traditional regulatory ethical model, where the researcher controls all facets of an experiment (Dobrin & Bowern 2009). There have been several responses to this new paradigm; for example, the University of Toronto's Research Office has a statement of 'standard professional practice' for linguistics that exempts most elicitation-based work from human subjects review.[1] Conversely, the Australian Institute of Aboriginal and Torres Strait Islander Studies, in a 2009 review of its ethics guidelines, proposes broadening the definition of research that would require ethical approval (as well as increasing the requirements for that approval).

A review of fieldwork regulation is thus timely. In this report I present and discuss the results of an anonymous survey of approximately 100 linguistic fieldworkers and their responses to human subjects review. These results provide a snapshot of fieldwork regulation and its effect on field practices.

* Many thanks to all those who participated in this survey, and to three anonymous referees and the LSA's Committee on Ethics for discussion of the results. Conclusions and recommendations are, however, my own. A link to the original survey is given on my departmental home page, at http://pantheon.yale.edu/~clb3.

[1] http://www.research.utoronto.ca/for-researchers-administrators/ethics/human/at-a-glance/initiation/exemption-from-ethics-review/, accessed August 20, 2010.

The results of this survey suggest that for the most part, the regulation of field linguistic research is working, and the problems are concentrated in just a few (though complex) areas. These primarily involve informed consent and its documentation, and provisions for anonymity. A rare but worrying problem is that some ethics boards are requiring the destruction of primary research materials. I first give an overview of the results, followed by discussion, and then offer some conclusions and recommendations.

2. OVERVIEW OF RESULTS. The survey was conducted on surveymonkey.com and advertised through the LinguistList (www.linguistlist.org), other professional networks, and email listservs. Responses were collected confidentially and anonymously in order to encourage frankness. Ninety-four responses were received over the first three months of 2010.

2.1. THE FIELDWORKER RESPONDENTS. Participants were asked which country their responses pertained to. Approximately half of the results (forty-nine) were from researchers either based in the US or Canada, or conducting fieldwork there.[2] Seventeen responses were from Europe, with the remainder roughly equally split among Africa, Asia, Australia, and Central/South America. Note that nowhere in the survey was the term 'fieldwork' defined; the respondents were self-identified 'fieldworkers'. Comments in the responses, however, indicate that the response base was diverse, but primarily composed of documentary/descriptive linguists and sociolinguists.

Fieldworkers make use of a variety of techniques in gathering language data. Survey participants were asked to check the boxes against the types of methods they use in the field. Elicitation was used by 75% of the respondents, and 63% used 'ethnographic' methods and emergent research. Emergent research methods are here defined as those methods in which the content of the research is shaped to a large extent by the research participants (rather than being wholly determined by the researcher in advance; see Dobrin 2010); this is most familiar in linguistic fieldwork as the practice of exploring features of the field language based on consultants' comments and answers to earlier questions.

2.2. APPROVAL REQUIRED FOR FIELDWORK. For 88% of the respondents, their most recent field research was subject to review by a human subjects board. Most commonly, this was a university human subjects review board (IRB); other regulatory organizations included Community or Tribal Councils, Tribal IRBs, and government bodies such as Land Councils (in Australia) or regional authorities. For convenience, in this report I subsume all regulatory review bodies under the term 'IRB'.

While 85% of the respondents reported review by a university body, this accounts for only half of the total reviews. This shows that research is being reviewed by more than one body. One individual reported review by six different organizations for a single project, including the researcher's university and various local and regional government bodies in the country of research.

Survey participants were also asked specifically about whether they were required to document consent from their research participants, and if so, how that consent was documented. Just over half of those who were required to obtain consent were required to do so in writing (through a signature on a consent form); over a quarter were required to document the consent, but not necessarily in written form (for example, video-taping

[2] While it is possible to match prose answers with the country of respondent, I have not done so because several participants stated that this would identify them, since they are the only linguists working in the area.

or audio recording was sufficient). Only seven individuals responded that their ethical review did not require them to obtain the consent of research participants at all.

2.3. TIME SPENT ON ETHICS APPLICATIONS. Participants were asked how much time they typically spent in gaining ethical approval for their research. Responses varied greatly, with answers split close to equally among '1–5 hours' (twenty-seven people), '5–10 hours' (twenty-four people), and 'over 10 hours' (twenty-six people). Twelve individuals (13% of respondents) took less than one hour to complete their ethics review. One respondent said that the forms for their institution were over sixty pages in length and typically took more than a month to complete. Another stated that the reason the application process took more than ten hours was that they were required to discuss their application in person before a Tribal IRB, and that travel to and from the hearings was time-consuming.

2.4. ETHICS AND RESEARCH DESIGN. Eighty-three people responded to a question about whether the goals or protocols of their fieldwork had changed as a result of IRB review (eleven did not answer). Of those who answered, fifty-nine, or 71%, reported that they were not required to make any substantial changes to a protocol. Respondents were also asked whether aspects of their research design had conflicted with their IRB; fifty-seven out of seventy-nine responses reported no conflicts. The first question was aimed at revealing whether ethics regulation is having an effect on the type of research being proposed (that is, whether ethics regulation might be, in Feeley's (2007) words, 'censoring' linguistic research). The second question was aimed at gauging the influence of IRBs on research methods, and is discussed below in §2.5.

Twenty-four of the respondents to the first question reported that some modification to the research design was required by their IRB, or that they had curtailed (or not begun) a research project because of IRB review. Modifications ranged from minor alterations (such as giving participants a 'debriefing' sheet at the end of the session) to major changes in research design; in two cases the research was not approved by the IRB and did not proceed.[3] Several respondents also mentioned that they had changed the wording of their research design (though not the content) in order to fit a medical or psychological IRB framework (for example, calling research participants 'subjects' and translation materials 'stimuli').

Two issues concerning research goals were mentioned by several respondents. Five respondents had not interviewed or worked with children because either their existing protocol approval did not cover it, or gaining IRB approval for such work was seen as too time-consuming. Four had difficulty with an IRB requirement that they submit all questions in advance, since exhaustively listing the questions for research participants was impossible with their discovery-based emergent research method (see e.g. Dobrin & Bowern 2009). In two cases respondents mentioned negotiation with their IRBs in order to gain a mutually agreeable outcome.

2.5. CONFLICTS IN RESEARCH DESIGN. In addition to the first question about the goals of research, participants were also asked about methodological issues and areas that had caused problems for IRBs, as noted above.[4] Again, most reported no problems (fifty-seven out of seventy-nine responses).

[3] The survey results do not provide enough information to determine the nature of the research for which approval was rejected.

[4] Also discussed here are the results of an additional question that asked participants whether they had done something different from what they reported in their IRB protocol (or been tempted to do so), and the areas that caused the problems.

Of the remaining twenty-two responses, nine mentioned problems with written consent forms. Some were required to use forms that in their view were too technical, or that exaggerated the risks to which participants would be exposed.[5] Others were required to gain 'informed consent' in writing even when working with nonliterate research participants, and as a result both researcher and research participants felt that the consent process created an atmosphere of intimidation. One researcher mentioned having been reprimanded for submitting a consent form signed with an 'X'.

The other most common problem involved the use of standardized questions. As mentioned above, several respondents reported that their IRB required them to clear all research questions in advance, which was incompatible with the emergent research method the researcher wished to use.

Others mentioned problems with IRBs requiring the destruction of primary data on an endangered language, and one mentioned an issue involving the secondary use of data.[6] Two mentioned that their protocols had initially been rejected because of their IRB's incorrect assumptions about the cultural background of research participants (for example, one person reported that their IRB had assumed that all speakers of nonstandard US English are African American, and therefore that the research was targeting a particular ethnic group[7]). A few mentioned the area of payment (that an IRB required payment to research participants in cash (and recorded by receipt), which offended local customs). Another respondent gave the example of an ethics board requiring responses to be anonymous in language description where the consultants had expressed a wish to be identified and acknowledged for their work on their language.

Finally, a few people stated that the IRB process had made them more conscious of their ethical responsibilities toward research participants and their communities.

2.6. ADDITIONAL OBSERVATIONS. The final question asked for anything else that survey respondents would like to add about their experiences with ethical review. Two types of comments emerged from the observations. One was a complaint about the inconsistency of review and the difficulties that this causes when gaining approval for collaborative research between faculty at different universities. This seems to arise in particular where one IRB uses a model of protocol review aimed at medical research experiments, or when one university deems research exempt while the other requires expedited or full review. The second area involved consent procedures and problems in documenting consent to the satisfaction of universities in a way that did not intimidate research participants. Another theme in the additional comments was that the researchers were not seeking to avoid review, but that they were frustrated with review processes that bore little relationship to the emergent research they were conducting; and in a few cases frustration was expressed with IRBs who made incorrect cultural assumptions about research and research participants.

3. DISCUSSION.

3.1. HOW INTRUSIVE IS IRB APPROVAL? Fieldworkers (at least the ones who take the time to fill out surveys like this one) are obtaining ethical review, and often from more

[5] For example, if participants are required to sign a three-page consent form that refers to their infringement of rights before filling out a two-page survey on the grammaticality of relative clauses, participants may be led to believe that there is a hidden risk in the research (simply because if it were not risky, the IRB would not be requiring the participants to have such a complex form).

[6] In that case, another researcher had obtained funding to work on someone else's confidential primary data without first obtaining permission from the original researcher and their research participants. This led the original researcher to feel coerced into granting permission for the research.

[7] Similar restrictions have been noted and discussed by Katz (2007).

than one organization. For more than half of the respondents it took most of a work day (or longer) to fill out the forms. Responses indicate that field research is routinely treated as 'exempt' in some areas, but subject to 'expedited' or even 'full' review in others.[8] Some difference in reporting time is to be expected; for example, subsequent proposals are often less time-consuming to write than the initial one, and some methodologies take less time to describe than others. Responses also indicated frustration that some IRBs continue to require social scientists to use protocol forms designed for medical and clinical methodologies. This has been a common theme in researchers' complaints about ethics review outside of linguistics (see Sieber 1992 and Stark 2006 for an overview). Dobrin and Bowern (2009), however, suggest ways in which IRB applications can lead to better research; for example, the IRB application might be the main point in the research process where the linguist thinks explicitly about the ethical implications of the work. IRB approvals, we should remember, could also be seen as a safeguard for the researcher against misconduct claims; therefore they are worth writing properly.

In general, the review process appears to be working, in that more than two thirds of the respondents were seeking approval, gaining it with a minimum of protocol revision, conducting their research, and not reporting problems even when given the opportunity to do so anonymously. The majority of respondents were not required to alter their protocols; a few were asked to make minor changes, which did not affect the results and probably led to a better experience for the participants. Problems are confined to a few areas. This suggests that the 'social science victim narrative', as Stark (2007:785) has called the idea that social scientists are ill-served by IRBs, is not as prevalent in linguistics as we might have imagined from anecdotal reports.

3.2. IS IRB REVIEW AFFECTING RESEARCH PROCEDURES AND TOPICS? Most of the respondents reported no problems with their ethics applications, other than the process being time-consuming. That is, this survey indicates that the cases where IRBs are preventing research or making requirements that are stopping research are not very prevalent.

There are, however, a couple of areas that need discussion. One area is the interviewing of children. Several of the respondents mentioned that although they were working on endangered languages, they avoided asking questions about language shift in children and teenagers because they thought that the additional requirements for IRB approval for working with minors would be too time-consuming. Since working with minors would normally automatically push a proposal from 'exempted' to subject to review (all else being equal), working with minors would likely lead to additional requirements for some researchers; however, it also appears that some protocols are already treated as nonexempt, so it may be that for others the reporting burden would not be substantially different. Researchers could discuss any additional ethics requirements with their IRB before applying; it would be very unfortunate if we are missing important data on language shift simply because of a perception that such work would require a few extra hours of paperwork.

Another area is the requirement that original research materials must be destroyed at the end of the project. (This is often a requirement in medical studies where long-term

[8] Note, however, that because responses to this question cannot be tied directly to methodology, this survey does not allow us to see whether particular methodologies (such as the use of video recording) are leading to fieldwork being treated as higher risk or more likely to be nonexempt, whether it is an effect of particular countries, or whether it is random. The frustration noted by some researchers about collaborative research being subject to distinct review requirements at the various researchers' home universities would provide support for the suggestion that review is not consistent across institutions.

retention of the original samples may compromise subject anonymity.) Destruction of primary materials is rare but worrying, given the importance placed elsewhere on the adequate archiving of both tangible and intangible cultural materials. Destruction of fieldnotes is in contravention to the American Anthropological Association's ethics guidelines, which require researchers to make a good-faith effort to preserve their field research records (III.B.4–5). It also contravenes the LSA's 2010 resolution on cyberinfrastructure.[9] Crowley (2007:117–20), Bowern (2008:60–62), Innes (2010), O'Meara and Good (2010), and others all make cases for the preservation of field materials and give examples of work that has been made possible by archival primary data. There are therefore ample precedents for fieldworkers to use to argue that their primary field documents are different from medical records, and exempt from a requirement that they be destroyed after a certain period of time.[10] IRBs should be encouraged to treat language fieldnotes, particularly of endangered and undescribed languages, as artefacts of intangible cultural heritage, rather than as the equivalent of patient records in medical research. Such fieldnotes might be the ONLY durable record of a language. In short, mandating the destruction of linguistic fieldnotes is wholly inappropriate.

A final area where IRBs are clashing with fieldworkers is in the area of documentation of consent. This is further discussed below.

3.3. RESEARCHERS' VIEWS OF ETHICAL OVERSIGHT. Survey respondents were not asked specifically about their attitudes toward ethical review of their research, but some made comments in the 'free response' question. Responses ranged from feelings that the regulatory requirements were too complex and burdensome given the nature of the risks faced by consultants filling out grammatical surveys by email, to comments that the researchers felt that the exercise of thinking about the consequences of their research and its impact on the researched communities was a valuable one for them and led to better research.

3.4. IS THE IRB PROTECTING RESEARCH PARTICIPANTS? Since the survey did not ask for specifics about projects beyond a general methodological question, it is not possible here to discuss specifics of IRBs' protection of research participants. However, the concerns raised about consent forms in previous sections do have a bearing on this question. If individual IRB committees are insisting that researchers provide materials in a format that participants cannot read, or in language that they do not understand, that is clearly not serving the best interests of the research participants. Furthermore, it deprives participants of their rights to adequate, comprehensible information about the research study. (Marshall 2006:26 makes a similar point.) As Whiteford and Trotter (2008:67) write, 'a verbal consent is an ethical alternative to using a written consent form for cultural circumstances where verbal consent (witnessed by the ethnographer) is more appropriate. … [S]ome IRBs focus on the form and ignore the impact of that form on the process'. The University of Toronto's guidelines for informed consent, for example, are clear that written consent is not appropriate in all circumstances.[11] Title 45, Part 46.117 (the section of the regulations that deals with the documentation of consent) is also clear that written consent is not required in cases of minimal risk, and where the research 'involves no procedures for which written consent is normally re-

[9] Available from http://www.lsadc.org/info/lsa-res-cyberinfrastructure.cfm.

[10] One could imagine a scenario where such a clause would leave an IRB vulnerable to a lawsuit by an endangered language community.

[11] http://www.research.utoronto.ca/wp-content/uploads/2010/01/GUIDE-FOR-INFORMED-CONSENT-April-2010.pdf, accessed August 20, 2010.

quired outside of the research context'. We should note that only half of the survey respondents were required to document informed consent in writing; the other half of the respondents were able to show consent to the research by other means, or did not need to document the consent at all.[12]

3.5. METHODOLOGY ISSUES. There were three main areas where researchers reported IRB requirements that they viewed as unworkable in their field communities. These involved the documentation of informed consent, requirements that participants be anonymous, and the use of emergent methods, as well as general issues of culturally appropriate behavior in the fieldwork community.

Consent forms were discussed in the previous section. It is clearly in the interest of all parties (IRB, researcher, and community/research participants) to have consent presented in a way that is transparent, accessible, and comprehensible; it is also important that this be done in the fashion that is reported in the protocol. Where IRBs are requiring consent to be presented and documented in a form that is infeasible on the ground, this simply encourages researchers to ignore the requirement. It exposes the researcher to risk and does nothing to ensure that the research participants are protected. Since there are published scripts and suggestions for obtaining and documenting informed consent where written consent forms are impracticable, researchers are encouraged to refer to these in their negotiations with their IRBs. Sample consent scripts are given in Bowern 2008:219–21.[13] An alternative summary of information to include in a consent protocol can be found in Whiteford & Trotter 2008; an excellent set of guidelines for topics to consider in consent is also given in Buchanan 2004:30–32.

A few researchers reported their IRBs insisting on the anonymity and confidentiality of research participants, despite the wish of the research participants to be publicly identified and acknowledged as contributing to the documentation of their language. Anecdotal comments from researchers indicate that a statement in the protocol application that consultants will be given the option to be recognized publicly (or have their participation in the project remain confidential) is sufficient to address IRB concerns about this. Anonymity of participants is not an a priori requirement for IRB approval; the researcher simply needs to address how this aspect of the research will be resolved. As Dorian (2010) writes, the issues involved in protecting consultants and the personal information they share with the researcher are not trivial; however, a logical consequence of the basis of human subjects research—that research participants are autonomous agents who have the capacity to make their own decisions (Whiteford & Trotter 2008:46ff.)—is that the research participants may choose to make language information public.

As mentioned earlier, several survey respondents noted their IRBs' refusal to accept emergent methods for language documentation, instead requiring an exhaustive listing of the questions research participants will be asked. The problem arises because emergent fieldwork is a cross between semi-structured interviewing (which typically does not require IRB approval) and experimental protocols (which require the listing of all

[12] Consent documentation is complex because certain funding organizations have their own requirements; the National Institutes of Health, for example, require research funded from its grants that involves human subjects to have consent documented in writing.

[13] These consent scripts are based on models that have been approved by the IRBs of Rice University, Harvard University, the Australian National University, and Yale University, and that satisfy the ethics requirements of the National Science Foundation, the Australian Institute of Aboriginal and Torres Strait Islander Studies, and the Merit Rausing Fund's Endangered Language Documentation Program.

stimuli). Semi-structured elicitation and emergent methods are now standard in fieldwork, and are described in textbooks such as Hill 2006, Crowley 2007, and Bowern 2008. Not only do such methods result in better documentary materials (as these authors, among many others, argue), but they also provide the research participants with a greater degree of control over the research process, because they make it easier for participants to control how much information they provide, in what form, and on which topics. Researchers should include in their applications sample scripts, session plans, and copies of prompts; this provides the IRB with an appropriate basis on which to judge any risk to participants. A short example is given in Bowern 2008:110.

Several researchers noted that some IRB requirements were either impossible to comply with in their field community, or were culturally inappropriate there. Where possible, the linguist should be clear in the protocol application where particular parts of the methodology are governed by cultural considerations. They should also, where possible, provide references to sources that support this method,[14] since IRBs cannot be expected to be familiar with all cross-cultural situations.

4. CONCLUSIONS AND RECOMMENDATIONS. As Holton (2009) has pointed out, there is no 'one size fits all' when it comes to ethical review; what counts as ethical practice depends on context. As Ess and Jones (2004:29) put it:

> since Aristotle (in the West), ethicists have recognized that doing the right thing, for the right reason, in the right way, at the right time remains a matter of judgment … [S]uch judgment cannot be reduced to a simple deduction from general rules to particular claims. Rather, it is part of the function of judgment to determine just what general rules apply to a particular context.

A few problem areas were identified in these survey results, including the practice of IRBs' requiring written consent forms for oral cultures. A blanket enforcement of written consent does not properly acknowledge the diversity of participants in linguistic research, and does not properly safeguard their interests. Mandating unworkable solutions encourages fieldworkers to invent solutions on the fly, which is in no one's interest. Some IRBs were clearly responsive to researchers' field situations, and researchers and IRB members negotiated procedures that satisfied IRB requirements while being appropriate to the field location and field methodologies. This shows that there is flexibility in the interpretation of guidelines. In general, ethics regulation appears to be working. While fieldworkers may swap the odd IRB 'horror story' over dinner, it fortunately appears that this does not reflect linguist–IRB relations more generally.

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[14] An example could be, 'As documented in the federal report *Bringing them home: Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families* (1997), as recently as the 1950s Aboriginal parents were tricked into signing papers allowing the removal of their children (for example, by adoption papers being presented as vaccination certificates). This has led to a continued widespread distrust of signed consent forms in remote Australia. Therefore oral consent (recorded on audio or video tape) is a more sensitive and effective way of documenting informed consent in these communities. This method of providing evidence of informed consent is also approved by the ethics guidelines of the Australian Institute for Aboriginal and Torres Strait Islander Studies.'

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