Travelers and Trolls: Practitioner Research and Institutional Review Boards

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Practitioner research is a growing form of educational research that presents distinctive ethical issues concerning the protection of research subjects. These issues are also evident in similar forms of action-oriented research carried out in natural settings. Some Institutional Review Boards (IRBs) have been criticized for drawing inappropriate conclusions in their reviews of proposed practitioner research projects. This article seeks to explain some of the factors creating the conflicts and misunderstandings among practitioner researchers and IRBs in hopes of ameliorating these difficulties. Although some difficulties are readily resolvable, fundamental societal rifts exist in the ethical perspectives from which judgments about the ethical propriety of such projects should be made, and the disputes derived from these rifts are not so easy to fix.

Educators are joining the ranks of people carrying out projects that deliberately generate knowledge in the context of improving practice. In P–12, college, and university settings, teachers and others see the development of an empirically grounded understanding of educational efforts as key to improving the services they provide (Zeichner & Noffke, 2001). Such activities are variously referred to as *teacher research, practitioner inquiry, action research,* or *reflective practice* (Cochran-Smith & Lytle, 1999a). Insofar as students or other individuals become research subjects, these combinations of research and practice raise perplexing ethical questions.

The practical orientation, favored research methods, and ethical challenges of these activities are shared by a wide array of applied research activities carried out by people working in education, health, social services, community-based organizations, industry, and agriculture. Included in these activities are participatory action research, collaborative research, action science, applied anthropology, and related forms of research (Carr & Kemmis, 1986; Greenwood & Levin, 1998; McTaggert, 1997a; Whyte, Greenwood, & Lazes, 1991; Zeichner & Noffke, 2001). Like classroom teachers' investigational efforts, these activities involve people using research methods in everyday settings to pursue various practical goals. These types of activities differ significantly from each other, but they share important features open to ethical analysis across the spectrum of knowledge-producing activities they represent. In this article the term *practitioner research* will be used broadly to refer to the array of activities people carry out as they seek knowledge or understanding while pursuing or improving a social practice in which they regularly engage. Important ethical issues arise for practitioner research and its attendant circumstances if and when people participate as research subjects.

When practitioner research projects involving research subjects are supported by federal funds or sponsored by institutions receiving federal support, the ethical issues are reviewed by committees called Institutional Review Boards (IRBs). IRBs are committees charged with the review and approval of research plans to ensure the ethical treatment of the subjects. This IRB review process is not always quick, peaceful, or harmonious. Some practitioner researchers are already sensitive to the ethical dimension of their work and regard such reviews as superfluous. Neither they nor those less sensitive to the ethical issues are always inclined to welcome the time and effort taken up by the IRB's scrutiny or the questions it raises. They want to get on with their projects. Some of them see IRBs as a bothersome obstruction to be placated, overcome, or avoided altogether.

The 2001 annual meeting of the American Educational Research Association (AERA) in Seattle, WA included sessions about current controversies over the ethics of practitioner inquiry and the ethical standards of AERA. Seattle is also the home of a famous troll who resides under the Aurora Avenue Bridge. This serendipitous coincidence suggests the idea that practitioner researchers' relationships with IRBs may resemble the relationship between travelers and trolls: In folklore and children's literature, trolls are sometimes depicted as irascible, irrational, not-quite-human creatures who block the way of travelers arriving at the troll's bridge, demanding a toll for the privilege of crossing over.

Are IRBs such trolls, causing unnecessary trouble and impeding people's progress? This essay's response to the question is based on the author's various experiences with the current system over the last 10 years, including related work assignments in the Office of Educational Research and Improvement; service to intra-agency and interagency federal committees overseeing the IRB system; interactions with people in workshops and presentations delivered at the annual meetings of Public Responsibility in Medicine and Research and regional meetings sponsored by the Department of Health and Human Services; and membership on low volume IRBs at the U.S. Departments of Education and Justice. This essay explores this metaphorical question in hopes of promoting a more constructive understanding of the parties involved, and perhaps even improving future encounters between them.

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Crossing the Bridge of Research: Reflection, Regulation, and Regard

The first question raised about the ethical issues of practitioner research concerns the meaning of *research*. Practitioner researchers use the term to talk about what they are doing, IRBs refer to the regulatory definition, and research ethicists have yet a third view. Some of the controversy over the ethics of practitioner research derives from failing to recognize how the parties involved variously understand and use the term.

Practitioner researchers understand research as an integral part of what they do in the ordinary course of events as a way of improving their regular practice. Especially in education, it seems natural that teachers should be open to learning themselves along with their students, and practitioner research is a way for practitioners to learn on the job. Their research may consist of simply attending more carefully to what they are doing as they teach by reflecting about what they do and how they do it. Practitioner researchers may employ various mechanisms for recording and organizing their reflections: notes, journal writing, or regular discussions with colleagues. They often use qualitative methods to collect data and sometimes quantitative methods as well (Zeichner & Noffke, 2001). They may change their own teaching practices in ways designed to alter or improve students' learning experiences, including changes in curricula, assessment strategies, classroom management, or instructional strategies. Practitioner research may be directed solely at enriching the practitioners' understanding of their own professional activity, or they may seek to discover something that promises to improve educational practice for anyone teaching in similar circumstances (Anderson, 1996; Cochran-Smith & Lytle, 1999b; Shepard, 2000). Likewise, practitioner researchers in other fields are also collecting information as a part of their efforts to understand, improve, or reform social practices in which they participate.

IRB members rely on the regulatory definition of research, which emphasizes the purpose directing the activity in question. Activities count as research to an IRB only if the activity undertaken reflects a deliberate objective of discovering or learning something new that transcends the particular activity. Research concerns the organized search for knowledge applicable to other similar phenomena:

> *Research* means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. (34 Code of Federal Regulations [CFR], 97.102[d])[1]

A research activity's design reflects a data collection approach conventionally used by members of a community whose mission includes the search for knowledge (e.g., sociologists or biologists). That search's objective may be for knowledge purely for its own sake or for some practical end. Because the IRB's purpose is to ensure the protection of human research subjects, a research activity only falls within the IRB's purview if it involves human subjects, as follows:

> *Human Subject* means a living individual about whom an investigator (whether professional or student) conducting research obtains
> (1) data through intervention or interaction with the individual, or
> (2) identifiable private information. (34 CFR 97.102[f])

Research ethicists begin by identifying the features that distinguish research from practice and proceed to examine how the nature of research activity affects the relations among the people engaged in it. They construe research in terms of the deliberate pursuit of knowledge or understanding. Research may or may not have a practical application in mind, and practice may or may not result in new knowledge or greater understanding. The difference between the two is determined by how their respective goals shape the activity's process and the relationships between the people who engage in them (Levine, 1986; National Commission, 1979). Practitioner research fits both the model of research and the model of practice, and consequently the research ethicist must consider the moral responsibilities of those involved as they are shaped by research, practice, and the two combined.[2]

In some research, people serve as the objects, that is, researchers interact with or study them because the researchers seek knowledge or understanding of human beings. The nature of these people's involvement is determined by the overarching purpose of the research goal. The subjects' participation is considered to be altruistic, that is, directed toward a good for others or for society in general. Research subjects may benefit from participation, as in research studies where subjects receive an effective intervention; but the activity's design is for the knowledge of that intervention's effectiveness for people in general, rather than making those particular subjects better. Because people hold a special moral status, their involvement in research must take into account that although their participation is a means to a higher end, they also deserve to be treated with a particular kind of moral regard or dignity. They should not be treated merely as a means to an end. In other words, drawing attention to the conventional label itself, research ethicists insist that people participating in research are regarded not only as *objects*, but as *subjects*—reflective moral agents whose interests must be acknowledged even though their interests may be unrelated to or threatened by the interests of the research activity.

If the three uses of the term *research* are compared, we see that practitioner researchers apply it more widely than IRBs. A considerable portion of practitioner research falls outside the IRB's purview. Practitioner researchers may seek to improve their understanding of their own practice without pursuing generalizable findings (e.g., a teacher whose purpose is examining the development of a collective identity by a particular class of students). Or their research may not collect information from research subjects or design activities in ways that subordinate the participants' interests to the interest of knowledge (e.g., teachers whose research consists entirely of reviewing and developing curricula, or who observe and analyze peer interactions on the school playground). Research ethicists generally agree with the regulations that research is always shaped by the aim of generating knowledge; practitioners whose actions are designed exclusively to generate some benefit, while being aware that knowledge may accrue as a result, are not doing research. Practitioner research that meets the criterion of aiming to generate knowledge is complex because its dual purposes of generating knowledge and achieving a practical end are entangled, bringing into play both the research ethics perspective and the ethical demands of the practical activity (e.g., education or therapy). In contrast to IRBs, however, research ethicists agree with practitioner researchers that the aim of

research does not have to be generalizable knowledge; for example, research may include a study of the influence of Linda Darling-Hammond's work on the field of teacher education or of the historical impact of the 1989 Charlottesville Education Summit of the President and the Governors on the education system. Research ethicists are concerned about ethical treatment of anyone affected by the research process, even if the only person affected is the selfsame practitioner.

Practitioner researchers sometimes object to IRB review by asserting a right to do their research as part of their work. At times they appeal to academic freedom, saying that the IRB represents an infringement on their right to pursue knowledge in whatever direction their interests take them. To the degree that practitioners have a professional responsibility to maintain and improve the quality of their service—if practitioner research enables them to meet that responsibility—they may have a right, or even an obligation, to pursue their research. And if indeed they learn something, they are free to say what it is.

This right and freedom are limited, however. The American Association for University Professors (AAUP) points out that the federal government is not required to provide support for anyone's exercise of the right to do research or speak freely about it (AAUP, 2001). The federal government makes IRB review (and a number of other requirements, e.g., a drug-free workplace assurance) a condition of receiving federal support, a condition often adopted by universities as policy for all of the research at the institution (Pritchard, 2001). Practitioners unwilling to accept this condition are free to pursue their research and publish their findings independently or at institutions that do not apply the IRB review requirement to nonfederally sponsored research.

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For research ethicists, however, practitioner researchers' rights and freedom are limited for a reason that transcends the issue of federal involvement. Practitioners may have a right to devote their own time and effort to research, but they do not have a right to demand the cooperation of others. In American society practitioner researchers do not have a right to compel people—including their students—to cooperate in their research. They have the academic freedom to air their own opinions, but they do not have the freedom to air other people's opinions if they have promised not to do so. American political culture does not recognize an obligation to participate in research; rather, we consider it to be a socially desirable activity that people may elect to participate in or not, as they choose. In education, if an activity has an aim beyond the participating students' interests, practitioners have no right to compel student participation in their research. If investigators want to move into research territory where the participation of research subjects is sought, they must provide a justification for impinging on the lives of others in their quest for knowledge.

The Itinerant Researcher: The Troubling Practitioner Researcher

The paths of practitioner research draw a pattern. Practitioner researchers tend to travel locally, seldom going farther than their own classrooms, schools, or communities. Their paths turn this way and that, unlike the straighter, more predictable paths of classical experimental researchers. Their journeys may lead them to a bridge where a troll appears and asks troubling questions, creating frustrating delays. What catches the troll's attention, while other research travelers pass by?

The ethical difficulties of practitioner research arise from certain aspects of the research design, the circumstances of practitioner research, and the ways practitioner researchers interact with research subjects. Other kinds of research activities share some of these difficulties, particularly those utilizing qualitative research methods. Still, practitioner research is especially prone to them, and IRBs notice. The following list briefly elaborates some of the ethical baggage that practitioner researchers usually carry, slowing down their progress across the bridge on the way to their fieldwork.

Informed Consent

Perhaps the most cherished ethical principle of current research ethics in the United States is that people should give informed consent before participating in research (Jonas, 1969; Katz, 1972; Levine, 1986). The standard model of informed consent consists of three components: The subject's agreement to participate is (a) informed, (b) competent, and (c) voluntary (President's Commission, 1982).

Researchers are supposed to provide prospective subjects with information about the project's objectives and design. In practitioner research, if the objectives and data collection strategies are not fully formed, the practitioner researcher's ability to inform prospective subjects is limited. The subjects cannot know exactly what they are getting into.

The subjects' competence is also problematic in school-situated practitioner research because the researchers are often teachers working in their own classrooms, and children may not be able to appreciate fully the nature of the research or the risks involved. Obtaining parental permission along with student assent is the standard means of addressing this concern, but this strategy requires greater time and effort, doubles the chances of a subject's refusal, and raises additional issues about what the parents should know about what their children disclose in the research. In action research in other natural settings, the subjects' competence also varies according to age, education, and experience.

Voluntariness for research in educational settings is also questionable because students and parents may feel pressured to participate when the student's teacher wants to do the research; even if the teacher can honestly reassure them that they are free to decide without reprisal the circumstances are such that parents and students may feel as if they have to agree (Anderson, 1998). This situation is analogous to the Constitutional argument against teacher-led prayer in public school: Even if teachers do not wish to influence students' decision to pray, their authoritative status in the classroom is an unavoidable and undue influence. In other natural settings, such as research in the workplace, the subjects' voluntariness is in question as well.

The "Educational Misconception"

Practitioner researchers play two different roles. As practitioners, they are supposed to benefit (educationally) their students. Because of this role, students and parents may respond to classroom teachers and other practitioner inquirers as if their overriding function is always to benefit the student. Consequently, parents and students may falsely assume that practitioner researchers are inviting their involvement in an activity because of its educational value, even though the activity's overriding purpose subordinates student welfare to the interest of knowledge.

In a medical context, this phenomenon is called the *therapeutic misconception,* where patients assume that the clinician's motive for involving them in research is for their own (medical) benefit—rather than for research purposes—because the clinician is their doctor (Appelbaum, Roth, Lidz, Benson, & Winslade, 1987). The research subjects are misled because of the dual status of the person asking them to participate and their own wishful thinking. Indeed, this misconception may be operational on both sides of the relationship: Both the practitioners and the research subjects may believe that what they are doing is for the subject's own good, rather than for the sake of research. In the educational context, this may be called the "educational misconception." Analogous misconceptions would apply to practitioner research in other kinds of activities, and because practitioner research also includes the pursuit of practical ends, the possibility of such misconceptions is always in play.

Procedural Change

Practitioner researchers sometimes change their plans on the basis of data collected at earlier stages of the research. The research project's process and objectives develop and reshape themselves during the activity—at the outset the practitioner researchers revise their understanding of what they are going to do (Cohn & Kirkpatrick, 2001; Howe & Dougherty, 1993). Participatory action research is deliberately intended to be flexible and adaptive, changing to accommodate the practical exigencies of the particular situation (McTaggert, 1997a). For example, a community-based health education project concerning the transformation of the Puerto Rican role of the *comodrona* (natural birth attendant) shifted back and forth between a sociological model emphasizing the collection of qualitative data about the support systems for access to care and an epidemiological model emphasizing the use of quantitative measures for health-related outcomes; the two models differ in theory, method, risks, and potential benefits (Schensul, Denelli-Hess, Borrero, & Bhavati, 1987). Practitioner researchers often do not know at the outset what data need to be collected, or what the potential benefits or risks are of the particular line(s) of inquiry they will eventually pursue.

Contingency

Practitioner researchers sometimes come upon answers to questions they never asked. Practitioner research frequently uses ethnographic qualitative research methods, which uncover the unexpected as well as the expected (LeCompte & Schensul, 1999; Whyte et al., 1991). Practitioner researchers spend considerable time with their subjects, asking questions and observing events in the natural flow of activity, rather than adhering to a set operational plan. Things are said, events happen, and information comes to light that were not anticipated. Some of the revealed information may pose a threat to subjects or to others; for example, people may engage in some illegal or socially unacceptable behavior or reveal that they themselves or others have done so (Lee, 2001; Magolda, 2000). Imagine the situation of a research fieldworker who goes to do an interview and discovers that an adolescent subject is living with an abusive family member and the adolescent has immigrated illegally from conditions of extreme poverty. Reporting the abuse may lead to the adolescent's deportation; what should the fieldworker do? A more mundane illustration of the ethical challenges of contingent discovery in research is that of classroom teachers whose feelings about their students–research subjects might change in negative ways through their research interactions, carrying over into the teachers' regular interactions with their students (Erickson, 1999).

Preserving Anonymity or Confidentiality

Practitioner research is especially susceptible to problems of preserving anonymity or confidentiality. Anonymity refers to circumstances where research subjects participate and data are collected, but no one knows the subjects' identity or who provided particular information; confidentiality refers to circumstances where the researchers know who the subjects are or who the information came from and do not disclose it. Practitioner researchers sometimes design their research to ensure anonymity or confidentiality, and subjects agree to participate based partly on condition of assurances of anonymity or confidentiality.

Several features typical of practitioner research frequently contribute to making it difficult or impossible to preserve anonymity or confidentiality. First of all, some research subjects are also involved in data collection, and so their involvement, if not the information they provide, is public. Some practitioner research involves rechecking the presentation of data or research findings with the research subjects, which generally requires knowing who the subjects are and what they disclosed (Guba & Lincoln, 1989; Lincoln & Guba, 1989). Information is often collected or reviewed in face-to-face or group interactions, where anonymity is virtually impossible and others besides the researchers are present; these other people's discretion is also necessary to preserve confidentiality. The qualitative data common in practitioner research are usually more difficult to detach from the subjects' identities than are quantifiable data, because vignettes, quotations, and other forms of authentic representation of qualitative data reflect indications of the sources' identities (Erickson, 1999; LeCompte, Schensul, Weeks, & Singer, 1999).

Many action research projects are deliberately constructed to provide research findings to inform improvements in community practices, which makes the local community the primary audience for the research report. Preserving anonymity and confidentiality are especially formidable challenges if research subjects, or others who know them personally, will be part of the audience of the research report (Beck et al., 2001; Erickson, 1999; LeCompte et al., 1999). In these circumstances, researchers may report information in an anonymous form, and yet a reader who knows the subjects may be able to piece together the source's identity. And the consequences of such disclosures may also be greater, because the people who discover the subjects' identities are often located in the same institution or community and are in a position to harm them (Lincoln & Guba, 1989). The issues are further compounded in practitioner research projects where subjects prefer to receive public acknowledgment as the source of particular data, rather than wishing to remain anonymous (e.g., research in composition or creative writing classes) (Anderson, 1998; e.g., compare the different acknowledgments in Clay, 2001; Minarik, 2001; and Mohr, 2001). In historical research, the whole purpose may be to provide data about identifiable individuals, even though some of the informants may wish to remain unidentified.

Conflict and Reform

Some people in the practitioner researcher's institution may not be committed to the researcher's research interests. Other practitioners occupy institutional positions of status and prestige that may be unfavorably affected by the research or its results. Practitioner research in education typically seeks to understand and improve educational practice, and such improvements may take place at a cost to those invested in the status quo. If, for example, the practitioner researchers set out to improve their mathematics teaching and succeed through their research, then whoever established the previous mathematics program may feel—or actually be—threatened by that success. Practitioner researchers generally carry out their research in their own place of work, and so whatever conflicts they engender with the established order seldom disappear without impacting someone's career (Clay, 2001; Cohn & Kirkpatrick, 2001; Hajj, 2001). For example, a collaborative research project designed to improve the educational opportunities of Punjabi students in a central California high school produced conflicts between the two co-investigators and within the community organization providing administrative support for the research grant, with unfortunate results (Gibson, 1987). In addition, an effort to set up a participatory action research network in New Caledonia eventually fell apart because of conflicts within the community (Delion, 1997).

Action research is also often driven by an ideological commitment to achieve reform, democratize research or society, or overcome injustice (Altrichter & Gstettner, 1997; Carr & Kemmis, 1986; Greenwood & Levin, 1998; Knight, 2000; McTaggert, 1997a, 1997b; Schensul, 1987; Whyte et al., 1991; Zeichner & Noffke, 2001). Project participants may become divided about how to address an identified problem in the course of their activities. If some form of collective decision-making takes place and the participants disagree about next steps, coercion of dissenters may be unavoidable. Participants may believe they have been forced to contribute to reforms they disagree with. Often the divided participants have different and unequal status and power in the institution where the action research takes place, raising questions about whether the power relations are being exploited during the decision-making process (Ebest, 2001; Erickson, 1999; Meyer, 2000; Ruano, 1991;Van Den Berg, 2001; Zeni, Prophete, Cason, & Phillips, 2001).

The Reviewing Troll: The Obstructive IRB

An IRB standing before a practitioner researcher may resemble a troll. Trolls block the way—exacting tolls, asking questions, slowing things down, demanding to be appeased. IRB trolls exact their toll in the currency of the time and effort needed to assemble IRB submissions, respond to IRB requests, and work through whatever modifications on which the IRB insists. IRBs' appetite for paper seems voracious. Because IRBs meet periodically, researchers' access to the bridge may be limited, and they may have to wait their turn in a long line. Some researchers even try to sneak across the bridge, hoping that their crossing will go unnoticed and avoid the troll's baleful questions.

The legitimate purpose of IRB review is to ensure the ethical treatment of research subjects. However, factors other than ethical principles may lead to IRB decisions that delay or put a stop to research. Even when IRBs do rely on ethical principle, their judgments may be problematic. As with practitioner research, IRBs frequently operate under conditions that systematically hamper the realization of their stated objective. There is scant research data about how IRBs function, but the few studies which do exist, along with anecdotal evidence and the hot topics at workshops and venues such as Public Responsibility in Medicine and Research's annual meetings, suggest some ideas about why IRBs sometimes run into trouble. What makes IRB trolls such testy creatures?

Overload

Some IRBs are overloaded, constantly facing a long line of impatient travelers. IRB members have other tasks beside their IRB responsibilities, and some IRB administrators lack the resources to manage the volume of their institution's research smoothly and efficiently (Bell, Whiton, & Connelly, 1998; Office of the Inspector General, 1998). People who are overloaded and rushed are more prone to resorting to inappropriate shortcuts. Their decisions may be based on reflexes, rather than reflection. For example, Marshall (1992) tells the story of doing an interview study where the IRB demanded that the consent form include a statement about treatment for physical injuries sustained during the study because the statement was routinely used in all studies at the medical center. IRBs may send projects back for revision that do not fit neatly into IRB working categories because the issues are not immediately obvious. Practitioner research projects, for the reasons given previously, often do not jibe with the IRB's working assumptions about ethically unproblematic research.

Ignorance

IRBs should have the scientific expertise to judge the merits and weaknesses of whatever research projects they review. IRBs generally exist at institutions where the research experts on the IRB are a small minority of the research experts at the institution. To the degree that specific methodological and substantive expertise

is relevant to evaluating a proposal, the IRB's expertise is only a fraction of the research expertise of the people submitting research proposals. Sometimes this limitation is not significant, but when projects come to an IRB that are fundamentally different in nature from those it normally reviews, the IRB may simply lack the informed understanding necessary to judge a research project fairly. Practitioner research projects may find themselves in this predicament. According to the *Evaluation of NIH Implementation of Section 491 of the Public Health Service Act* ("Bell Report"), 21% of investigators reported that bias or lack of expertise by the IRB was a problem (Bell et al., 1998).

Regulating

IRBs must conform to federal regulations specifying the procedures and standards for reviewing proposed research. These regulations are called the *Common Rule* because 17 different federal agencies and offices share the same regulations for the research they sponsor. Regulations in general, and these regulations in particular, are a blunt instrument. The Common Rule covers a wide range of activities and objectives, carried out by a wide range of experts, in a wide range of circumstances. The rationale for this common set of standards is to avoid forcing institutions seeking federal funding from multiple federal sources to learn and comply with different sets of rules and procedures. But this uniformity comes with the drawbacks of a one-size-fits-all approach. This approach presumes that the same basic criteria are appropriate for identifying and making decisions about the ethically relevant features of any kind of human subjects research. The Common Rule's authors built some flexibility into the regulations to accommodate certain differences, but the basic review mechanism is still a single regulatory framework. Where research activities such as practitioner research do not naturally fit that framework, IRBs have to twist something—either the project, or the framework, or both—to apply the one to the other.

In the last few years, concerns about strict compliance with the regulations appear to have increased. The concerns appear to be a response to widely publicized stories about the deaths of two research subjects in biomedical research studies, and federal officials' decisions to shut down several large, prestigious research institutions for regulatory noncompliance. Some IRBs appear to have dramatically increased their attention to conforming to every regulatory detail (Rubin, 2001).

Going by the Rules

IRB review involves applying various regulatory rules to proposed activities. IRBs may look at research to determine only whether it conforms to the rules or not, and draw conclusions on that basis. This rule-orientation may encourage two tendencies, neither of which is wholly constructive. The first tendency is to see everything in black and white, yes or no, all-or-nothing dichotomous terms, according to whether or not it fits the rule: It is research involving human subjects or not; it is exempt or not; there is minimal risk or not; there is informed consent or not. The reality of the situation may be more complex and nuanced, however, and IRBs' judgments may need to be more nuanced as well. For example, in a classroom study students who are prospective subjects may be under more pressure to consent to participate than would make their agreement truly voluntary, and yet the degree of pressure may still fall well short of coercion. The second tendency is to assume that conforming to the rules is both necessary and sufficient to determine that a given course of action is right. Often, however, several conflicting rules apply to a given situation, and in some (exceptional) circumstances, what is right may not be consistent with following any rule.

Risk, Risk, Risk, and Risk

IRB review involves at least four different risk-assessment functions, the performance of which may produce unwanted interaction effects. The IRB must determine (a) what the risks of the proposed research are; (b) whether the risks have been minimized; (c) whether the risks constitute minimal risk (or sometimes, in cases of research involving children, slightly more than minimal risk); and (d) whether the risks are outweighed by the potential benefits and the importance of the knowledge expected to result. This focus on risks may encourage IRBs to exaggerate and overemphasize the nature and importance of the risks involved in research. Hypersensitive IRBs may impose excessive measures designed to prevent or protect against insignificant or improbable risks.

Protecting the Reputation of Research

IRBs exist because research makes important contributions to human knowledge and welfare, and society's continued support of research depends on avoiding unethical behavior. Many IRB members are researchers who want to preserve the integrity and favorable public opinion of research. Many IRB members are affiliated with the institution sponsoring the research and want to protect that institution from potentially litigious offended or injured subjects seeking redress. Research subjects who have been interviewed about the informed consent form sometimes express the belief that the purpose of consent forms is to protect the institutions, not the subjects. They are supposed to be wrong about this, but they are not. IRBs may well be overly cautious or risk-averse out of concern for the reputation of research in general or for the sake of the reputation of the institution in particular (AAUP, 2001).

Ethical Conflict

The protections incorporated into the Common Rule are largely derived from three distinct ethical principles, which are presented and applied to the research context in the highly influential *Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (National Commission, 1979). The three principles are called *respect for persons*, *beneficence*, and *justice*. The principle of respect for persons underlies the obligation to obtain informed consent; the principle of beneficence demands the maximizing of benefit and minimizing of risk; and the principle of justice requires the equitable distribution of the burdens and the benefits of research.

Each of the three principles is drawn from a different philosophical tradition: Respect for persons comes from Kant's (1797/1981) ethical theory; beneficence represents the utilitarian ideal of Bentham, J. S. Mill (1861/1979), and others; and the principle of justice as a distributive idea traces its origins at least as far as Aristotle's *Nicomachean Ethics* (trans. 1962). And because these three philosophical traditions conflict with each other

about the nature of what is right, the presence of the three ethical principles in the Common Rule leads to conflicts about the nature of the ethical treatment of research subjects (MacIntyre, 1978). The IRB frequently faces the challenge of creating a practical reconciliation of rival, philosophically incompatible views. In other words, the troll is in ethical conflict with itself.

A common form of practitioner research illustrates this conflict among the ethical principles. Consider the case of ordinary classroom teachers who wish to do practitioner research in their own classrooms: they involve their own students and face the prospect of whether to ask for the students' assent and the parents' permission. Assume, furthermore, that the nature of the research project involves no significant risk and the promise of a substantial improvement in educational practice, both for the practitioner and for other similarly situated practitioners and their students. On the one hand, the utilitarian principle of beneficence would seem to justify this project. On the other hand, the Kantian principle of respect for persons may be used to prohibit it, on the grounds that students and parents are bound to feel coerced into participating. The beneficent impulse in the Common Rule pushes the IRB troll in one direction, while the respectful impulse pushes the other way. No wonder the troll is grumpy.

Practitioner research and other kinds of research also reflect such conflicts among the ethical principles embedded in the Common Rule. Imagine, for example, the following models of educational research and the conflicting pull of ethical principles upon them:

- A study of the prevalence and effects of cheating behavior by students, teachers, and administrators in relation to high stakes tests. (Beneficence vs. Respect for Persons)
- A study of the educational circumstances of young children poorly served by the current school system, many of whose parents are embarrassed by, suspicious of, or simply uninterested in having their children participate in research of any kind. (Respect for Persons vs. Justice)
- A study whose objective is to implement and evaluate an educational service and for which the sample population remains to be chosen, when the service holds promise for a large population of students who are already doing moderately well and a much smaller population of students whose learning is very poor. (Beneficence vs. Justice)

In each of these instances one ethical principle is in tension with another. Since the principles are drawn from different philosophical traditions, the tension cannot be fully resolved; they recognize no common standard. Commentators on the *Belmont Report* and the Common Rule frequently speak of compromise or balance between the competing principles in such circumstances, as if some kind of harmony is always possible (Beauchamp & Walters, 1982). Of course, ethical reasoning normally involves considering values and rules that may apply in the context of the particular circumstances. In some cases, defensible compromises may be reached, or an argument can be made that one ethical principle clearly overrules another. In other cases, however, the compromises are truly arbitrary however they are drawn, and the trade-offs represent a genuine failure to live up to the standards of one or more ethical principles. When that happens, morally speaking, the troll's hands are dirty.

Concrete Improvements in the Roadbed of Research: Paving the Way to Institutional Reform

Could the encounters between travelers and trolls be made less antagonistic? Surely relations could be better between IRBs and practitioner research, or even between IRBs and social science researchers in general. Increased resources, education for IRB members and researchers, greater flexibility in the current process, and systemic reform are all means to eliminate at least some of the roadblocks and hazards standing in the way of research progress. Nevertheless, the road will never be made entirely smooth.

Resources

IRBs can be improved through the acquisition and appropriate use of additional resources. Two IRBs may be better than one; they can split the work, represent a wider range of expertise, and achieve a better match between projects and the composition of the committee. Staggering their scheduled meetings can also create more opportunities for full committee review. Support for IRB members' time commitment may require some form of compensation, through either direct monetary compensation or release from other institutional obligations. This takes resources. Additional IRB administrators would mean that administrators would have more time to look at research proposals and provide informative preliminary feedback to researchers about what questions or information in which the IRB is likely to be interested. Especially for proposals submitted by classroom teachers, other practitioners, and graduate students who are assembling proposals for the first time, such assistance may well be helpful. This takes resources. IRBs can also operate more efficiently if they have access to such mechanisms as computer tracking systems and electronic submission systems. This takes resources. The Common Rule requires institutions to provide adequate resources to their IRB(s),[3] and recent reports have stressed the need for additional resources (Bell et al., 1998; Office of the Inspector General, 1998; National Bioethics Advisory Commission [NBAC], 2001).

Expertise

IRBs would make better judgments if their membership's qualifications were better. The Common Rule requires that the IRB possess sufficient scientific expertise to judge the research proposals it reviews,[4] and allows IRBs to obtain guidance from appropriately qualified consultants for proposed projects as circumstances warrant.[5] IRBs reviewing significant numbers of practitioner research projects should include members who are familiar with practitioner research, its methods, and characteristic ethical issues. Institutions should review their own research portfolios to ensure that the membership of their IRB(s) matches the nature of the research they sponsor and recruit people with appropriate expertise to become IRB members. Practitioner researchers who believe that an IRB lacks sufficient expertise to review such projects should submit the names of suitably qualified people to the IRB, facilitating the IRB's access to expert consultants (Howe & Dougherty, 1993). Better yet, they can volunteer to serve on the IRB themselves.

Education of IRB Members, Researchers, and Students

Better education could make IRB members more informed and understanding. With a more sophisticated appreciation of practi-

tioner research, IRBs could pinpoint genuine problems and recognize the merits of high quality research activities. Recent surveys found that IRB members seldom receive much education or training, and that widespread support exists for strengthening the educational opportunities for IRB members (Bell et al., 1998; NBAC, 2001; Office of the Inspector General, 1998). In the Bell Report 76% of IRB administrators and 77% of IRB chairs said that more or much more effort should be devoted to education of IRB members and staff (Bell et al., 1998). The federal government and various private organizations have recently encouraged or provided new and increasing educational opportunities for IRB members.

Education of practitioner researchers would make their approach to IRBs more positive. If practitioner researchers read and understood the Common Rule, the *Belmont Report,* and their own institution's research policies and procedures, they would better understand and accomplish what they need to obtain approval. By becoming familiar with the regulatory requirements, practitioner researchers would understand the standards and criteria used to judge their proposals, and be better prepared to assemble a successful proposal. In the Bell Report, 90% of IRB Chairs and 86% of administrators expressed the view that more or much more effort should be devoted to the education of investigators. Additionally, the most frequently reported problem of serious investigator noncompliance reported by IRB chairs was failure to obtain IRB approval prior to initiating the study (33% reported this having occurred in the last year); when asked to speculate as to the reasons for noncompliance, 53% of the chairs said the investigator was not familiar with the requirement for IRB review, and 46% indicated that the investigator considered the activity not to be research. The Bell Report also contains interesting data from investigators relevant to education: For a question about resources, 43% of investigators indicated that they had used the Common Rule, and only 5% had used the *Belmont Report.* In an open-ended question about changes at the local level to improve IRBs, only 4% of investigators mentioned changes in education (Bell et al., 1998).

Practitioner researchers and their students could also benefit by taking advantage of the various educational opportunities. Some researchers have already published useful ethical guidance for practitioner researchers (LeCompte & Schensul, 1999; Zeni, 2001). AERA is also developing educational materials offering cases and discussion of its ethical standards, which include standards concerning research populations (Strike et al., 2002). Practitioner researchers at universities who train prospective researchers could integrate the issues of research ethics into their teaching, so that students could become aware of the ethical issues as part of their professional education. If practical experience is a sound learning strategy, then leading students through mock IRB reviews might be worthwhile. Teaching graduate students how to navigate IRB review successfully is certainly a more appropriate approach than the tactic noted with alarm by the AAUP, encouraging students to pursue dissertation projects that fall outside the IRB's authority (AAUP, 2001).

Basic education in research ethics could begin well before students go to college. The rudiments of research ethics should be an integral part of K–12 science education, as reflected by the standards of the American Association for the Advancement of Science in *Benchmarks for Science Literacy* (1993). All students should get an early start on becoming part of a well-educated public aware of the ethical issues in research, because any student might grow up to be a researcher, a research subject, or both.

Flexibility

The Common Rule is rigid about some issues and flexible about others. Practitioner researchers who want to do the right thing should keep in mind how the regulations allow them the discretion to design ethical research. For example, in circumstances where the informed consent requirements cannot be met, practitioner researchers should not assume that their only option is to argue for waiving consent entirely. It may be feasible to inform, involve, and elicit expressions of willingness from prospective student research subjects and parents to participate in the proposed research, even though this process falls short of truly voluntary informed consent or permission. Such efforts reflect an acknowledgement of research subjects' dignity and their entitlement to elect to participate in research, given the practical constraints of the particular situation. The regulations allow for a waiver of specific elements of the standard requirements for informed consent to fit the circumstances, rather than imposing an all-or-nothing decision.[6] An IRB receiving a proposal that includes such efforts to respond to the principle of respect for persons should be more sympathetic to a request to waive the requirement for informed consent than to a proposal that argues informed consent is impractical but the research is justified because of the low level of risk and the importance of the knowledge and potential benefits. Demonstrating sensitivity to the importance of treating prospective subjects ethically should make IRBs more receptive.

Practitioner researchers can also point out the ethical advantages inherent in practitioner research. For example, when practitioner research involves the active participation of the subjects, that process includes ongoing, experience-based opportunities for the subjects to develop their competence in understanding research, thereby becoming more informed, competent subjects. The mantra of IRB education on the topic of informed consent is that "informed consent is a process, not a form"; practitioner research provides a natural opportunity to practice what is preached. Action research projects are often designed in part to train participants to do research, clearly strengthening their ability to choose to participate as the project progresses. The ideological commitment to democratized forms of research may be viewed as giving research subjects a larger voice in the conduct of research, thereby reinforcing their continued willingness to participate. And the practical ends sought by practitioner research are often connected to anticipated benefits for the subjects, which strengthens the regulatory justification for the study. In contrast, researchers who seek only to produce knowledge must make their appeal based on the importance of the expected knowledge and the possibility that others might subsequently apply the research findings for people's benefit.

IRBs could be flexible about the degree of specificity required in a research proposal. A practitioner research proposal might describe the kind of data to be collected, the kinds of objectives, and the possible adjustments that might be made in the course

of the project. If the range of data, objectives, and adjustments all fall within the same categories with respect to such relevant features as risk, normal educational practice, etc., this may be all the IRB initially requires. The Common Rule requires that changes in a research project be cleared with the IRB before they are instituted.[7] However, if the proposal embraces a range of possible and ethically equivalent options and the research stays within that range, this would obviate the need to repeatedly return to the IRB with numerous minor developments as the project takes shape within planned parameters. IRBs have the authority to decide when the researchers should return for continuing review (up to 1 year) or to require periodic updates on the project in the interim, if the IRBs believe that developments in an approved project warrant their ongoing attention.[8]

Systemic Adjustment

Ancillary review mechanisms may also be advantageous. If supervisors or other committees in an institution review and evaluate the relevant technical merits of proposed research projects, the quality of projects submitted to the IRB may improve, thereby improving the process (AAUP, 2001). Once an IRB recognizes that it can rely on such prior reviews to resolve certain kinds of issues, its efficiency will improve even more. An advantage of a "just in time" approach, in which peer reviewers have already recommended a research project for support before it reaches the IRB, is that the project's technical merits have already passed muster; the IRB may rely to some degree on the informed judgment of the prior review. Institutions that regularly sponsor practitioner research may find that such preliminary review mechanisms are warranted, regardless of the funding issue, to serve the purposes of quality control within an academic department or college. Such review mechanisms could also review proposed projects for research involving human subjects that are exempt from IRB review under the regulations, but which IRBs currently review as a matter of institutional discretion.

Some form of committee or supervisory review can also address the problem of educational projects involving fieldwork with human subjects that are not defined as research involving human subjects under the regulations. At some institutions these projects receive IRB review because of legitimate concerns about risks or unethical treatment of subjects by inexperienced investigators. If these projects are truly educational in nature, they are better handled by a faculty member or committee connected to the students' educational program (Howe & Dougherty, 1993; Howe & Moses, 1999). Someone who is aware of the educational objective of the project, and of what kinds of activities could accomplish that objective with the least amount of risk or subject time commitment, would be better qualified to judge acceptable projects than the IRB, which may be unfamiliar with the educational rationale for the projects. Such committees are also easier to adjust to the timetable requirements for student projects in an academic department, and they may adopt a policy of student observation of review meetings as an additional educational strategy.

Reform

Reforming the system may also improve IRB review of practitioner research proposals. Some people argue that the current system is too lax, while others argue that it is overly protective. Some say the degree of protection provided is generally suitable, but few are willing to say that the system is perfect. Even if it were, changes in research over time mean that the oversight system must be modified periodically to accommodate new challenges. The National Bioethics Advisory Commission recently released a comprehensive report calling for substantial reforms of the current system (NBAC, 2001). The Office of Human Research Protections in the Department of Health and Human Services, which currently plays a leading role at the federal level, is also considering reforms; its advisory group, the National Human Research Protections Advisory Committee, is examining issues in behavioral and social science research. Organizations outside the government are also working to create new mechanisms for professional certification and organizational accreditation. The U.S. Congress has recently contemplated or enacted several initiatives explicitly directed toward reform and taken other steps that will surely impact the progress of approving research. Practitioner researchers could contribute ideas and support reforms individually, through their professional associations, or through other lobbying institutions.

Crossing the American Cultural Abyss

Reforming or even abolishing the IRB system would not sweep all of the trolls off the bridges of research. The earlier discussion of factors influencing IRBs' behavior suggested that ethical principles drawn from rival ethical traditions sometimes produce conflicting judgments within IRBs about the ethical propriety of proposed research projects. These different principles are reflected in the Common Rule, but they are also widely found across American society and culture. All three principles are embedded, in fragmentary fashion, in contemporary American culture, and to some degree they inform the ethical judgments of ordinary Americans (MacIntyre, 1981). And the progress of practitioner research also depends on the cooperation of these people.

Institutional gatekeepers' decisions may be guided by one or more of these ethical principles. In education, principals, superintendents, and others play a significant role in deciding whether to allow access to prospective research subjects, and they may judge proposed research projects in terms of respect for persons, beneficence, or justice. The same is true for institutional gatekeepers in other fields. They may act like trolls and oppose the advance of a practitioner research project, swayed by considerations derived from one of the three rival principles.

If the institutional gatekeeper steps out of the way and allows the practitioner researcher to pass, the prospective research subjects or their guardians may also offer resistance. They, too, may have different opinions about what is respectful or best or fair in a given situation and consequently bring the practitioner researcher's progress to a screeching stop. Any student, or any parent, may become a troll.

Finally, even if the research subjects and their guardians cooperate, there is still one more troll to appease. Practitioner researchers may hear a challenge from within themselves that causes them to pause on the way to pursuing their research, again based upon ethical principle. Although one ethical tradition may dominate their normal perspective on the propriety of their re-

search projects, they may still be susceptible to the ethical appeal of a principle from a conflicting point of view. They may feel that their research plans are justified by the utilitarian ethical principle of maximizing benefits and minimizing harms, perhaps, and still be conscious of a rival ethical standpoint. Their own consciences may be the pestering trolls.

Such conflicts are more profound than the problems created by bureaucratic obstacles. Some bureaucratic obstacles can be overcome through the application of practical intelligence and political will, as suggested here. When an obstacle's source derives from a conflict over fundamental cultural beliefs about how people should be treated, however, reform becomes much more difficult. Here progress requires a transformation of society's beliefs and practices about how people involved in research should treat one another. The trolls will not be completely vanquished any time soon, whether they take the form of an IRB, a gatekeeper, a research subject, or the researcher's own troubled conscience.

NOTES

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This article is intended to promote the exchange of ideas among researchers and policymakers. The views expressed in it are part of ongoing research and analysis and do not necessarily reflect the position of the U.S. Department of Education.

[1] Federal agencies that have adopted the federal policy for the protection of research subjects codify the policy within their own regulations. The Department of Education's regulations are located at 34 CFR Part 97. The policy is often referred to by its codification in the regulations of the Department of Health and Human Services at 45 CFR Part 46.

[2] This aspect of practitioner inquiry generates an array of important and related questions, such as the epistemological questions about how knowledge gained through practice may achieve theoretical or scientific status (Carr & Kemmis, 1986; Elden & Levine, 1991; Greenwood & Levin, 1998; Guba & Lincoln, 1989; Howe & Moses, 1999; Lincoln & Guba, 1989; Cochran-Smith & Lytle, 1999b; White et al., 1991; Zeichner & Noffke, 2001), but this essay focuses on the ethical issues themselves.

[3] 34 CFR 97.103(b)(2)

[4] 34 CFR 97.107(a)

[5] 34 CFR 97.107(f)

[6] 34 CFR 97.116(d)

[7] 34 CFR 97.103(b)(4)

[8] 34 CFR 97.109(e)

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