Troubling the IRB: Institutional Review Boards’ Impact on Art Educators Conducting Social Science Research Involving Human Subjects

James H. Sanders III and Christine Ballengee-Morris

The Ohio State University

This article seeks to explore ways in which academic researchers’ investigations and representations have been shaped by the demands of human subjects research protocols and Internal Review Board (IRB) policies. The authors explore prescriptive procedures that dissuade, if not preclude, art education researchers’ investigations, with a focus centered on studies involving (homo)sexual subjects. The article aims to engage colleagues in dialogue about (un)ethical strategies and tactics that are at times employed by academics who attempt to satisfy (un)reasonable IRB requirements. Through a brief historic overview of human subject research practices, international examinations of literature concerning research policies, and an examination of their own study, the authors encourage readers to contemplate the ethical challenges posed by restrictive IRB policies. This essay encourages colleagues to (re)consider how their institution’s office of responsible research practice could be presenting obstacles to the pursuit of quality educational research and recommends actions to dismantle such impediments.

Over the past 4 years, there have been numerous pleas for (re)examining institutions’ human subject research review board policies and practices (Hemnings, 2006; Fitch, 2005; Sanci, Sawyer, Weller, Bond, & Patton, 2004). Cries for reforming Institutional Review Board (IRB) policies have been issued by ethnographers (Lather, 2003; Martin & Knox, 2000), journalists (Schrag, 2007), and those conducting narrative and survey research (D’Augelli, Hershberger, & Pilkington, 1998). While recognizing the importance and value of protecting human subjects from harm, these critiques have called attention to the inappropriateness of institutional review boards that impose cumbersome authorization processes on social science research. These processes, largely based on biomedical models, have policed the ethical practices of social science researchers, including those engaged in studies posing little or no risk to research subjects.

Critics’ arguments have called attention to the ways that IRBs’ defensive policies attempt to avoid lawsuits and potential loss of federal funding (http://venus.soci.niu.edu/~jthomas/ethics/ssieth.html). These policies have encumbered the process, have produced an overload of IRB applications that may be assigned to insufficiently informed reviewers (those unfamiliar with Social Science Research), and have demanded researchers’ use of standardized protocols and practices that require participants to sign lengthy boiler-plate consent forms. These procedural expectations have appeared to...
most negatively impact research that addresses difficult social problems and populations.

This article briefly reviews the history of policies formed to govern ethical human subject research, explores current debates regarding institutional review boards’ uniform enforcement of national standards for ethical human subject research, discusses tactics and strategies used by academics attempting to work around or through restrictive IRBs, and considers a study that demonstrates the difficulties art education researchers have in complying with IRB requirements. Employing historic research (Stankiewicz, 1989; Efland, 1990; Bolin, Blandy, & Congdon, 2000), document and content analyses (Smith-Shank, 2004; Barrett, 2005), and autoethnographic methods (Ballengee-Morris, 2000; Spry, 2001; Sanders, 2007), we aim to tease out tensions between extant IRB policies, and the work of art education and arts policy researchers. We encourage those in the academy to work toward ensuring that their institution’s human subject research policies, procedures, and practices do no harm to the quality of art education inquiry, nor limit a scholar’s freedom of speech or pursuit of knowledge.

Art Educators’ Involvement with Human Subject Research

Graduate students and faculty in art education programs across the country have regularly explored how human subjects read (semiotics and art criticism), socially interact with/around (ethnography), and construct meaning from (visual cultural studies and art theory) artifacts. These studies have involved art educators working with human subjects in conducting interviews (Ballengee-Morris, 2000), collecting survey data (Lampela, 2001), analyzing artworks (Barrett, 2005; Tavin, 2003; Duncum, 2002; Duncum & Smith-Shank, 2001), interrogating online learning (Keifer-Boyd, 2001, 2004), engaging in action research (Daniel, 2004), and exploring cultural traditions and practices (Stuhr, 1995). Given that art education scholars have frequently worked with human subjects when conducting research, compliance with IRB policies has had serious implications.

Federal funding agencies (National Science Foundation, Department of Education, and so forth) have called for standardized, one-size-fits-all compliance assurances. These procedural policies have included informed consent, assent, and assurance forms that academic institutions may require of all researchers of human subjects, even if the projects have received no federal funding. The IRB panels assembled in academic institutions, while theoretically representing a cross-section of those forms of research being conducted, rarely have included the number of social science researchers needed to ensure informed discussion of an application, or its timely processing (Cohen, 2007).

The replication of national biomedically-based human subject research standards onto social science inquiry already may have had deleterious effects on the field of art education. We have witnessed the impact of overly cautious IRB demands, from project delays to missed funding deadlines, at times resulting in a colleague changing research methods rather than
suffering the average 1-to 6-month length of time needed to get through a complete human subjects review. Even student research that has been clearly exempt from full review may still be subject to similar stringent staff scrutiny, a process that rarely takes less than 3 to 4 weeks. For students working on tight schedules, this time lag alone could cause delays in graduation or project abandonment.

To better understand how these procedural mandates have come into being, we begin by exploring the antecedents to current internal review board and human subject research policies. Second, we reexamine actions taken by offices of responsible research practice (ORRP) and review literature across international boundaries that challenge current policies, protocols, and procedures. Third, we self-critically examine our shared research with lesbian, gay, bisexual, transgender, and queer teens, treating the proposed project as a concrete illustration of the impact of ORRP policies. Fourth, we recount colleagues’ strategies, tactics, and recommendations for working with, through, and around prescriptive policies concerning human subjects research. And finally, we encourage art education researchers to discuss, devise, and recommend appropriate human subject research policies and procedures that enable, rather than encumber, their research through a list of ways to engage in that process.

Historical Overview of Human Subjects Research Policy and Practice

One of the first policies governing research was Hammurabi’s Code, developed in 1760 B.C.E., which established governmental penalties for medical malpractice. Later in the 4th century B.C.E., physicians were required to take the Hippocratic oath, “to abstain from all intentional wrong-doing and harm, especially from abusing the bodies of man or woman, found or free,” in the course of their practice (www.pbs.org/wgbh/nova/doctors/oath_modern.html). More recently, driven by positive treatment responses, researchers often took unreasonable risks, and lives were lost in hopes of saving others. In 1892, Prussian Albert Neisser immunized healthy subjects against syphilis with syphilis, but all seven died. Four were healthy children and three were adolescents; none were offered opportunities to consent, or opt out, of involvement in the experiment (http://www.bookrags.com/biography/albert-ludwig-siegmund-neisser-wob).

Two widely known cases in the 20th century again called attention to the need for ethical research practices and systemic external reviews of research involving human beings. In 1946, German physicians were found guilty of conducting medical experiments on thousands of concentration camp prisoners without their consent. In response to these atrocities, the Nuremberg Code was created. This code’s 10 points¹ defined restrictions on research design, established necessary safeguards for human subjects, and stressed the necessity of voluntary informed consent. Unfortunately, the Nuremberg Code has not had the weight of law, but it has drawn international public attention to the moral and ethical issues that have been at stake. In 1964,

¹In summary, the Nuremberg Code’s 10 points affirm that:
1. Voluntary consent of all human subjects is absolutely essential,
2. Study designs are expected to yield socially useful knowledge,
3. Performance of any experiment should be justified by anticipated research results,
4. Experiments are to avoid unnecessary physical and mental suffering or injury,
5. Experiments are not to be conducted if death or disabling injury are likely,
6. Human risk is never to exceed the value of the solution yielded by the experiment,
7. Protocols should protect subjects from even remote possibilities of injury or death,
8. Experiments are to be conducted only by scientifically qualified and skilled researchers,
9. Human subjects should be free to end participation in an experiment if they so choose, and
10. Scientists must terminate experiments at any stage injury, disability, or death is likely.
the World Medical Association created guiding recommendations for studies by medical doctors involving human subjects, called the Declaration of Helsinki, a declaration that is still in use today.

Jean Heller at The Associated Press exposed the project we now know as “The Tuskegee Syphilis Study” (www.pbs.org/newshour/bb/health/may97/tuskegee_5-16.html). The study involved 600 low-income African-American males who were infected with syphilis, and who were then monitored for 40 years as the disease took its devastating toll on each subject (not to mention their partners or post-infected progeny). The subjects were given free medical examinations; however, none were ever treated for the disease. Neither they, nor their sexual partners, were informed about the progression of the disease, nor was penicillin (a proven cure) ever offered to those infected. The study, which operated from 1932 through 1972, heightened public awareness about the need to protect human subjects from deceptive practices. Like the Declaration of Helsinki, subsequent policies sought to ensure that all research subjects issue their informed voluntary consent to be a part of any study. In 1997, President Clinton publicly apologized for the U.S. Department of Health, Education, and Welfare’s funding of the study, even after knowing of its ethical violations.

Institutional Review Boards (IRBs) were first initiated for biomedical research in 1974 after the Tuskegee Syphilis Study. The National Research Act, passed in 1974, required that all federally funded research proposals involving human subjects be approved by an institutional review board (IRB). In 1979, a National Commission created by the U.S. Department of Health, Education, and Welfare established three basic ethical principles and guidelines for conducting research with human subjects. Commonly known as The Belmont Report, its principles were: 1) respect for persons as autonomous beings and protection of those unable to issue consent (e.g., children, prisoners, and the mentally disabled), 2) an obligation to do no harm as one conducts research that increases knowledge and has long term benefits, and 3) a requirement for researchers to constantly monitor participant behavior and provide assurance that a subject may drop out of a study at any time.

The reach of the IRB subsequently broadened, so that by 1981 it included any research involving a human subject that was designed to contribute to generalizable knowledge (Cohen, 2007). There have been many social and behavioral studies that caused extreme emotional distress, but interpreting what that means has been left up to the more than 5,500 review boards in the United States who oversee any project utilizing federal funds.2 Bernard A. Schwetz, director of the federal Office for Human Research Protections, which administers the regulations, acknowledged that the guidelines covering the board’s actions have not been clear” (Cohen, 2007, p. 1). Critics of IRBs (The Center for Advanced Study Project Steering Committee, 2005) called attention to this lack of clarity, complaining that such requirements at times have caused academics to steer clear of controversial topics, underserved subjects, sites, and research methodologies. It is those concerns that we now explore.

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2 A “Restaurant Letter Study,” conducted in 2001, serves as an example of a harmful research design. In this study, a faculty member from the Business School of a major university elicited responses from restaurants after sending letters that falsely claimed he and/or his wife had suffered food poisoning. The letters caused owners and employees severe emotional distress, and the study (which had not been submitted to an IRB for review) resulted in lawsuits against the University. See http://www.citiprogram.org.
Troubling the IRB

(Re)Framing the Issue

The issue of ethics in research has not been simply an historic or academic concern. In February 28, 2007 in a *New York Times* front page story, “As Ethics Panels Expand Grip, No Field is Off Limits,” Patricia Cohen acknowledged that “Faculty and graduate students across the country increasingly complain that [ethics panels] have spun out of control, curtailing academic freedom and interfering with research in … subjects that pose virtually no danger to anyone” (p. 1). The biomedical model that IRBs follow has been one that Joshua Freeman, director of The City University of New York’s Graduate History Program, asserted as “crazy … inappropriate and ignorant” (Cohen, 2007, p. 1).

Academics across the university have been affected by what *The Illinois White Paper* (The Center for Advanced Study Project Steering Committee, 2005) called IRB “Mission Creep.” Illinois White Paper scholars called attention to the ways in which IRB policy has been modeled on biomedical practice, inappropriate protocols, and encumbering procedures that at times dissuade researchers from conducting potentially valuable studies. Integrally, the White Paper argued that current IRB policies have served to censor sound research and encourage self-censorship. The White Paper further argued that current IRB policies produce an overload of research reviews that may allow more dangerous studies to actually move through the process with lesser scrutiny than might have been possible had reviewers not been so overburdened with scrutinizing social science research that may have had no cause for review in the first place.

While IRB procedures vary from institution to institution, our research division one university acknowledged that “Research receiving funding from federal government sources is required to conform to a set of federal regulations governing the protection of human subjects known as the ‘Common Rule’ 45 CFR 46” (IRB Working Group, 2007). This rule has ensured that all researchers will meet the compliance requirements of the National Science Foundation (NSF) and National Institutes of Health (NIH). The report further stated, “[A]s a result, some of the Common Rule requirements are problematic for research in the behavioral and social sciences, humanities, and education” (IRB Working Group, 2007). These standards have required all key personnel involved in research with human subjects to complete the Collaborative Institutional Training Initiative (CITI) tutorial and an examination on the conduct of ethical research.

The six-part tutorial and CITI exam, initiated in 2004, take 5 to 6 hours to complete. Short quizzes are issued at the end of each tutorial, and upon completion, one is given all the correct answers, and then offered the opportunity to retake the test. The second test consists of the same set of questions. After successfully completing all six sections and achieving a score of 80% or more, one is issued a 3-year certificate qualifying him or her to conduct or oversee human subject research. Renewal testing every 3 years is required if one is to continue in a principal investigator role. While not every institution

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3 Improving the System for Protecting Human Subjects: Countering IRB “Mission Creep” is an essential text for anyone conducting research or studying policy concerning research involving human subjects. Published in 2005 by The Center for Advanced Study Project Steering Committee at the University of Illinois Urbana-Champaign, the document represents findings and recommendations from an April 2003 multi-disciplinary assembly of U.S. scholars who sought to analyze “who we are seeking to protect, from what, and why” (p. 6). The text is available online at http://www.law.uiuc.edu/conferences/whitepaper.
requires this examination, and policies and procedures vary from university to university, it is considered a confirmation of professional best practice.

Many ORRP prescribed social science research protocols designed to safeguard subjects seem far more appropriate for those proposing to harvest organs, work with fetal tissue, or conduct physically invasive experiments, than for those conducting noninvasive social science research. At our particular institution, “The IRB Working Group for Behavioral and Social Sciences Research believes that a one-size-fits-all, institution-wide approach to developing policies and procedures governing the protection of human subjects in research can sometimes place an unnecessary burden on … research” (IRB Working Group, 2007). The impact of such standardization can frustrate a researcher’s subject recruitment efforts. In example, demanding that a potential participant sign off on an unnecessarily complex, lengthy release authorization form may be so intimidating at times that a subject simply refuses to participate. This procedural requirement alone can dissuade researchers from undertaking a study involving human subjects.

Standardized expectations of social science research can be even more difficult when one is researching adolescent minors on matters of sexual identification and representation. It is the complex of protocols, procedures, language concerns, consent authorization, and subject circumstances that we will now explore.

**Grounding IRB Trouble in LGBTQ Research**

Guidelines for ethical research at our institution, like many others, has failed to specifically address sexual subjects, including those involving lesbian, gay, bisexual, transgender, and queer (LGBTQ) self-identified youth. In practice, IRB procedures have been created to protect the interests of all subjects, but many appear hesitant, if not opposed, to research regarding adolescents whose sexual and gender identifications are at odds with their guardians’ values. Researchers have requested exemption to parental permission requirements, arguing that such exemptions are essential to protect the safety of youth, but there have appeared to be few consistencies across (inter)national IRB policies. Martin and Meezan (2003) noted:

> Hardly any of the numerous elaborations, explanations, and applications of ethical standards in social work and psychological research (e.g., Kendler, 1993; McHugh, Koeske, & Frieze, 1986; Padgett, 1998; Reamer, 1998; Royse, Thyer, Padgett, & Logan, 2001) identify the unique ethical dilemmas that may arise in the conduct of research with lesbian, gay, or bisexual populations or explain the application of ethical standards in these situations (see Herek, Kimmel, Amaro, & Melton, 1991; Martin & Knox, 2000; Woodman, Tully, & Barranti, 1995). None examine the application of ethical standards to research involving transgender populations. (p. 182)

Institutions’ stated policies on youth at times have appeared to reinforce the concept that youth are property of their parents, not agentic subjects. Conservative IRB interpretations of federal regulations requiring parental
consent of all human subjects under 18, may have failed to protect the rights and welfare of LGBTQ adolescent research participants, and further dissuade researchers from studying all but (safe) consenting adult heterosexual subjects. Given that LGBTQ youth have represented 40% of homeless teens (Seattle Commission on Children and Youth, 1986), were 2 to 6 times more likely to attempt suicide (U.S. Department of Health and Human Services, 1989), and have constituted more than a quarter of school dropouts (Remafedi, 1987), there is clearly a need for further research involving this population.

Rarely have recent studies considered subjects other than those that are defined by crisis discourses that limit what can be known about LGBTQ students. These include studies that explore gay and lesbian students’ needs (Besner & Spungin, 1995), reconfirm links between coming out and higher rates of adolescent homelessness (Ray, 2006), anti-gay harassment (Reis & Saewyc, 1999), or an ‘out’ teen’s increased risk of attempting and committing suicide (Remafedi, Farrow, & Deisher 1991). But while national longitudinal studies linking and tracking sexual minority youth and suicide might give rise to new interventions by health and human services, such statistics will tell us little about how LGBTQ students experience the World Wide Web, art and culture, and their self-image, or how they establish resilient behaviors. IRB policies and procedures that have frustrated that research possibility need to be changed.

The age of accountability has been a matter of ongoing debate. Recent examinations of adolescent autonomy in New Zealand and Australia (among other nations) called for a mature minor research clause (Sanci, Sawyer, Weller, Bond, & Patton, 2004), asserting that over 85% of youth by age 14 and 15 are confident of their sexual identifications and mature enough to authorize their own participation in a study. Despite such calls, and already established provisions in the US and UK for exempting need for parental consent if research poses no risk to youth, there have been no systemic U.S. policy changes (see Fitch, 2005; Hemmings, 2006; Patton, 1995; Sanci, Sawyer, Weller, Bond, & Patton, 2004; and Scott, 2005 for further discussion).

Homophobic interpretations of human subject exemptions to parental consent in U.S. academic institutions may (un)intentionally infantilize LGBTQ lives and render such subjects’ educational needs unresearchable unless authorized by parents or guardians. A conservative IRB’s attitudes toward (homo)sexualities can pose a serious threat to a subject’s safety. A study by D’Augelli, Hershberger, and Pilkington (1998) found that LGB adolescents who lived at home and disclosed their sexual orientation to one or both parents were victimized more frequently than LGB youth who remained closeted. This empirical evidence served as D’Augelli’s justification for requesting waivers of written parental consent for sexually active minors’ volunteering to participate in his studies.

We argued that the disclosure of a youth’s sexual orientation to family members who do not know would induce stress, which would be a direct result of participating in the research. The stress might, in
some circumstances, lead to serious outcomes, including disowning the youth or victimization. Consequently, with the agreement of the institutional review boards at both universities involved, the waiver of parental consent was established. (D’Augelli & Grossman, 2006, p. 45)

D’Augelli and Grossman (2006) also drew on the work of Martin and Dean (1990), Watters and Biernacki (1989), and Heckathorn (1997) in their remarks regarding research with populations engaging in sensitive or hidden behaviors.

Granting of exemptions has been increasingly a political subject, and one open for debate. These debates rarely have taken place in open public forums or appeared to consider the interest of the child over the legal or economic concerns of the researching institution. The balance between parents’ need to know and a child’s potential benefit from participation in a study has been tipped, however, when considering it is not only the initial subjects’ benefits that are at stake, but also what a study’s finding might offer future generations of LGBTQ youth, their parents, and those who teach and care for them. Competing for top national certification as reliable (i.e., fundable) researching entities, however, some U.S. academic institutions have enacted standardized one-size-fits-all protocols that dissuade those exploring subaltern sexual subjects. These policies have produced a range of researcher strategies for subverting systemic IRB protections and protocols, ranging from vagaries and subterfuge to obfuscation and deception.

While attempting to develop a successful IRB application that would authorize our own international exploration of LGBTQ youth readings and uses of visual culture, we began to considered strategies and tactics for getting around prescriptive practices and restrictive IRB policies. In an analysis of research on gay and lesbian students explored during the American Educational Research Association’s (AERA) annual meeting in 2006, we noted that most studies involving LGBTQ student participants were either limited to those 18 years of age or older, and/or involved research designs that were articulated through intentionally vague objectives. These practices conformed to those social values reflected in the majority of states that have passed “defense of marriage acts” and/or constitutional amendments precluding same sex unions and prohibiting equal legal protections or benefits to same sex couples. Federal sex-education funding policy that privileges public school abstinence-only education also has appeared to reinforce an often unspoken, but equally strong national mandate not to explore (homo)sexual subjects.

Curious as to the impact of such silences, we began our research wanting to examine how they might be shaping LGBTQ adolescents’ identities. Specifically seeking to study participants’ use and interpretation of visual culture, we initiated our work on an IRB human subject research application. We soon found it difficult to proceed with the project, however, after finding our institution’s office of responsible research staff unyielding in their parental consent expectation. Recognizing our divergent notions of what
constitutes a child’s safety, we sought advice from colleagues. We received a variety of responses for how to proceed, most reconfirming the trends we observed at AERA: Advising we be intentionally vague, suggesting we speak in generalities, or simply not tell what we were actually doing. At first, we considered following these recommendations, but soon realized that if we were to do this, our research would be conducted in the closet. It is that closet we now find necessary to unpack.

Unpacking the LBGTQ Teen Research Closet

An IRB’s purpose is to protect the rights and welfare of research participants. A school-based research project that addresses adolescent same-sex desire is “dangerous” according to Quinlivan (2006), because it brings what many consider to be “private” matters of the home into the sphere of the “public” school, and consequently, challenges the construct of childhood itself (Quinn, 2007). But although intended to protect children, IRB policies requiring parental consent may also, at times, (un)intentionally place LGBTQ adolescents at even greater risk of parental physical or mental abuse, and/or dissuade him or her from participation—especially those post-pubescent minors whose values conflict with those of their parents (D’Augelli, Hershberger, & Pilkington, 1998). IRB policies can be seen as patriarchal practices that deny the autonomy and agency of targeted adolescent subjects who are not “out” to their parents. IRB insistence on signed parental release forms can thus be seen as limiting researcher access to those youth populations that might most benefit from exploration of queer teens’ experiences in and out of schools.

Our prospective UK international partners in this research include non-governmental organizations residing in nations where the age of consent is actively debated. In an essay titled, “Youth Health Research Ethics: Time for a Mature-Minor Clause?” in The Medical Journal of Australia, the five authors argued,

In our efforts to protect adolescents, could an absolute requirement for parental consent for a child’s participation in research be unethical? A particular danger of being overly protective is that young people may become “research orphans”, with little progress made in attending to their health issues. Denying young people the right to participate in minimal-risk research because they refuse (or are unable) to obtain parental consent denies them their autonomy and the potential benefits of research, and compromises the research’s validity. (Sanci, Sawyer, Weller, Bond, & Patton, 2004)

This position is foreign to those materials distributed by our university’s ORRP over the past 36 months. In training sessions, many U.S. IRBs demand that all social science researchers comply with a uniform set of behavioral science research practices and protocols, regardless of their (in) appropriateness to the particular group studied (i.e., asking blind subjects to read and sign a boilerplate printed document). Only after a petition with 160 faculty signatures was given to our Office of Research was an IRB
Working Committee established. In June 2007, this report recommended that the standardized approach be revised to consider each discipline’s needs. It further called for departments to help fund positions for discipline-specific staff that could help ensure a more successful process, adding another layer of bureaucracy while aiming to simplify the process. The report concurred that research areas such as Social and Behavioral Sciences, Education, and the Arts have a potentially lower chance of harming human subjects; therefore, the requirements should be adjusted.

Until changes are made, boilerplate institutionally-framed questions may continue to dissuade adolescent subjects from participation, rather than communicating and demonstrating that their interests are being protected. Even if risks posed to potential participants are minimal, our IRB requires a 9-page form just to request an exemption from a full review. The latter may take literally reams of paper to answer, with formal replies, letters of support, detailed protocols, pilot studies, review of literature, and statements regarding the importance of the research to the field and to those subjects involved in the study. In short, one is required to think through every possible contingency and clearly communicate how such contingencies would be addressed. While the process itself strengthens the research design, the unreasonableness of some alternative scenarios posed by those unfamiliar with the researchers’ field of study have been stifling. In response, many students and colleagues have chosen to change methods or abandon their research problems, rather than be subjected to this arduous, frustrating, and at times, humiliating process. We agree that protections of human subjects are necessary, but sometimes the review process itself poses the greatest risk (a standpoint substantiated in the IRB Study Group June, 2007 report).

Vagueness (as Obfuscation-Lite)

Instead of explicitly acknowledging our interest in how queer teens respond, relate to, and read visual cultural products, and/or how these products might be used in communicating identities and identifications, we were encouraged by colleagues to frame our work as generally involving teens’ perceptions of visual culture. Targeting queer teens in after-school programs, but not noting sexuality as a concern in either our IRB application or our parental consent forms might have yielded the permissions we sought. In that process, however, we would have failed to call our institutional peers’ (who sit on IRB panels) attention to the dangers that LGBTQ youth face daily in their own homes. In vaguely framing our project, we would have also been failing to confront the IRB’s need to reevaluate its own procedures considering how current policies may withhold the benefits of research from sexual minority youth, or place them at even greater risk of harm.

IRB insistence on signed parental release forms have forced researcher complicity in objectifying post-pubescent youth as parental property, not as autonomous human subjects. IRB policies have been seen as set on frustrating researchers’ trust-building efforts with prospective teen subjects [who have been] infantilized, objectified, and treated as if incapable of critical
thought, carnal conceptions, or consciousness of their own bodies or others. Yes, it is important to ensure a child's safety, but it is also important to distinguish between forms of research concerned with observing social behaviors already well established by the age of 14 (Sanci, et al., 2004) from those medical experiments (like Neisser's late 19th-century syphilis studies) that clearly violated children's bodies. Displaying disregard and/or insensitivity to these differences, IRB social science research management practices can be seen as inciting researchers' tactically submitting applications with vague protocols and subject descriptions, and overt omissions. At times, such vagueness is seemingly the only act of power reclamation available to those without recourse, or courts of appeal.

Our still germinating international research has involved populations of adolescents who are legally defined as both children and adults (depending on whose shores one stands). Considering the Internet as a site for exchange of subjects’ ideas, social critiques, and self-expressions, our research has been designed to determine how these media inform students' identities, sense of wellbeing, and resilience. Findings from such research could help educators and social workers better serve LGBTQ student needs, a benefit we argue has been well worth minimal risk. Unfortunately, however, work involving minors, the Internet, and subjects of sexuality have pushed a lot of political hot buttons. Such work has unavoidably confronted crisis discourses surrounding pornography, Internet abuses, and the “sacredness” of childhood.

Seeking to redress these problems, we have identified partnering human service agencies serving LGBTQ youth in six nations across three continents. We have further secured the support of a university department willing to provide a secure server through which students would be granted password protected admission. But even after developing these safeguards and sharing them with our IRB staff, we recognized that we could not monitor or control the actions of all teen participants.

An IRB's stringent expectations has tempted some researchers to overstate local or (inter)national partners' control over clients using their services and admitted to a study. Because our research has involved participants' online interaction across international boundaries, we had acknowledged that there would be no way to absolutely ensure (beyond the trust implicit in our partnering hosts' familiarity with their clients) that all participants are of the age of consent. This lack of control has precluded our meeting those protections that our IRB staff members have repeatedly told us are required.

Subterfuge

We consider current IRB expectations as inducements to subterfuge, and ask ourselves: Which is the lesser evil? To obtain access to subjects and authorization to research by lying to a repressive and controlling body that claims to care about human subjects' protections and then denies autonomy or voice to those living with repression? Or to attempt to explore those messages, sites, and media through which subaltern subjects construct
meaning, communities, and forms of resistance, honestly revealing our aims, even while confident that such candor will produce denied authorization?

A study presented by a self-avowed heterosexual at the American Education Research Association in 2006 (anon.) unintentionally suggested ways of evading IRB restrictions. In this study, a school principal had asked his LGBTQ student graduates to reflect on their earlier school experiences (before reaching age 18). While claiming to have not included student behaviors observed before their 18th birthday, it would seem impossible for this researcher to have erased all knowledge of subjects in years preceding their age of consent. Proposing a longitudinal study with minor subjects capable of signing consent documentation at the end of a data collection period might serve as an approach that researchers could propose when seeking IRB approval. The extent to which a researcher might (il)legally use data collected during those year(s) preceding a subject’s age of consent is not, however, a matter on which we wish to comment in this article.

Candor as a Disincentive

In our study, (inter)national and local partnering nongovernmental organizations’ (NGO) missions are to serve as safe spaces for social interaction, legal and academic counseling, and emotional support for LGBTQ youth between 11-25 years of age, a span both well under and beyond the consent age of 18. Our partners are regionally and nationally acknowledged social agents and agencies that help gay adolescents survive in homophobic school settings. Asking partnering NGOs to sign binding assurances riddled with adversarial language and litigious tone threatens the trust slowly built between these service providers and us as researchers. Asking partnering NGOs to redefine their constituencies to appease our IRB further threatens their work and ours as applicant researchers. To comply with stringent IRB requirements signals one’s acceptance of their authority to dictate who can be studied, through what means, at what locations, and under what contexts. These sets of conditions might be read by partnering agencies (across international borders) as dictating whom those agencies should serve, and what roles they should play with their clients.

Further complicating our proposed study, more than half of the partnering host countries’ laws concerning same-sex unions have changed since the time the research project was first conceived. Social prohibitions of sexual subject discussions sustained through U.S. schools’ abstinence-only sex education policies and curricula have been at odds with values held by many of our potential international research partners. To demand that international partners’ adolescent subjects respect prohibitions embedded in U.S. patriarchal policies has appeared at odds with the larger principles generally governing responsible research across cultural boundaries, where local values and cultural practices are to prevail. If we were to limit this research to a single nation, however, we would limit the opportunities for observation of teens’ shared reflections on their experiences as LGBTQ subjects researching visual cultural practices and meanings across international boundaries. It is
that opportunity to observe, reflect on, delineate, and discuss the impact of legal protections/prohibitions of governmental policies toward same-sex identified teens and their relative sense of self-esteem and well being as revealed through their readings and use of visual cultural production that the study has sought to undertake.

**Why Can’t We All Just Get Along?**

While this article has focused on repressive IRB policies, open criticism of one’s ORRP will likely not result in moving through the process any more quickly. When advising students on how to work through the IRB process, we recommend they actively work toward building an open, trusting relationship with ORRP staff, given students’ projects have often qualified for exemption (rather than full review). We maintain samples of past applications so that current students can see those “that worked.” We also may request that students add their application as appendices to their thesis or dissertation so that their research protocol designs are transparent. If IRB staff identify problems with an application, it is faster to address those before submitting the application. Following the above guidance, students requesting exemptions for conducting public perception surveys have received their IRB approval in as little as 5 hours.

**Conclusion**

There appears to be an increasingly conservative political swing in federal research underwriting that privileges positivist practices (Lather, 2003). The movement of both IRB restrictiveness and national research agendas appears to be adversely impacting some of the most vulnerable subjects these policies were intended to protect. In this article, we have examined and encouraged peers to better understand how their internal review board for human subject protocols and policies define, and may limit, what qualifies as valued and significant education research and practice. By extension, we have challenged others to inquire into the ways these policies may be shaping the (un)ethical behaviors of applicant researchers. By exploring how we deal with current policies and politics within our own institutions, and by engaging colleagues in dialogue about our findings, changes to existing IRB policies might be imagined and enacted.

It is historically clear that human subject research oversights are needed. At this time, that systemic oversight is provided by our institutions’ IRBs. So how can art educators work within that system, and toward its change?

- Inform yourself and your students about human subject research policies.
- Take the CITI tutorial and exam, and become certified as a human subjects researcher.
- Discuss human subject research design with your IRB staff and board members.
- Attend and accompany your students to IRB policy workshops and panel meetings.
Through sharing our explorations of researchers’ strategies for working with, in, around, and through current IRB policies, we hope we have advanced art educators’ knowledge and concern for ethical human subject research practice in the social sciences. By broadening colleagues’ familiarity with those antecedents of responsible research policies and issues involving LGBTQ adolescent subjects, we have aimed to reconnect our aligned concerns for ethical behavior, work toward social justice, and research that makes a difference in the lives of the subjects we study. Our ultimate goal has been to encourage colleagues to explore and question their own institutions’ human subject research policies and practices. Through the development of researching policies that are more responsive both to subjects studied and to the specific contexts in which academics conduct research, the fields of arts education, arts administration, and public policy can be advanced.

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