

## **Appendix V**

**Dr Barry S. Parsonson's submission to the Review**

26.05.01

P O Box 4312  
Hamilton East

Mr Bill Renwick  
197 B Glenmore Street  
Kelburn  
WELLINGTON

Dear Mr Renwick,

Re Kupka Inquiry

I am a former Associate Professor in Psychology at the University of Waikato, I served as Dean of Social Sciences from 1990 to 1995 and was responsible for chairing the Working Party which established the Human Research Ethics Committee at the University of Waikato. I took voluntary severance from the University in 1997.

I was a member of the New Zealand Psychological Society's Ethical Issues Committee from 1984-1989 and played a major role in the revision of the Society's Code of Ethics which was adopted in 1986 and which is still extant. I was Chair of the Psychologists Board, a statutory body regulating the profession of psychology in New Zealand, from 1992-1995 and, since 1995 have been a consultant to the Health and Disability Commissioner on ethical and professional standards regarding complaints about psychologists. I currently am President of the New Zealand Psychological Society, and recently have been appointed to the Waikato Ethics Committee and as a consultant to Te Puni Kokere on ethics to the audit of the Strengthening Families programme.

I have been asked by Professor Dov Bing to comment on the terms of reference of the Human Research Committee of the University of Waikato and its anticipated function in respect to ethical reviews of D. Phil proposals, dealing with sensitive or contentious issues, and dealing with complaints.

The Working Party I chaired was established by the then Vice-Chancellor, Professor Wilf Malcolm, and comprised representatives of all of the Schools in the University engaged in research with human participants. The rationale, terms of reference, and constitution of the University of Waikato Human Research Ethics Committee as set out in documents made available to you were developed by the Working Party and formally adopted by the Academic Board of the University.

Our major concerns were to ensure that research participants properly were safeguarded and that sound and valid research was encouraged in the interests of good science and of the standing of the University. The rationale and terms of reference of the University of Waikato Human Research Ethics Committee set these out in detail.

I address each of the specific issues raised by Professor Bing below.

1. Review and approval of research proposals prior to the initiation of a project:

One way of meeting the Working Party's concerns was to require that research proposals be submitted for review and approved prior to the commencement of any research endeavour (see Clause 2, Terms of Reference). This meant that, from its very outset, any proposal had to be subject to scrutiny by an appropriately qualified Ethics Committee. This was so that no researcher (staff or student) could develop or initiate any programme of research that failed to meet the criteria set out in Clause 1 of the Terms of Reference. The necessity for the proposal to be submitted and reviewed from the outset was emphasised by the University in the Memorandum to Convenors of Human Research Ethics Committees dated 04.12.95 in respect of D.Phil Research. This specifies that the approval must be given before any application to register for the degree. As a result, it would be procedurally wrong for any Doctoral student to be permitted by their supervisor(s) or by the Higher Degrees Committee to proceed to final registration for the degree without prior scrutiny and approval of the detail of the proposal by a duly authorised Human Research Ethics Committee. This scrutiny necessarily would include details of the intended participants, any letters or questionnaires they would receive, and determination of any risks of harm or stress to the participants identified by the researcher(s) or by the Committee itself. Declaration of any such risks would be incumbent upon the applicant or the supervisor and/or subject to scrutiny by the Ethics Committee if it suspected or was alerted to the possibility of any such risks.

To have permitted any other scheduling of applications to the Committee would have been to risk waste of staff and/or student time, waste of Departmental or University resources, and possible damage to the University's reputation by staff or students engaging in as-yet-unapproved-of projects which might subsequently be rejected by a Human Research Ethics Committee.

The requirement also meant that, prior to submitting a proposal, the researchers had to have thought through the issues and implications of undertaking the research and to identify any potential risks or threats to the participants. This would necessarily mean that they would have to be in a position accurately to describe it, detail their procedures and analytic methods, and be able to defend the necessity for these and the validity of the proposed methodology. This is evident in the Clause 2 statement that proposals be "defensible in terms of current debate within the relevant discipline or paradigms."

In my opinion, there is no other way of interpreting the intention of the Working Party, the Terms of Reference of the Human Research Ethics Committee, or the Memorandum of 4 December 1995. Clearly the stated intention was that proposals were to be submitted before the research commenced and, in the case of D.Phil. applicants, before their application to register for the degree was submitted to the Higher Degrees Committee for final approval. In the event that an applicant was admitted to the D.Phil. degree without prior approval of their research proposal by an appropriately qualified Human Research Ethics Committee, and/or began to develop their research prior to obtaining such approval, they would be in breach of the intentions and requirements of the University.

## 2. Issues of sensitive, controversial, or culturally sensitive research:

It was of concern to the Working Party that any research which involved sensitive, controversial or cultural safety issues should only be undertaken after appropriate consultation, involvement, and ongoing review by persons competent and qualified to represent the communities likely to be effected by such research. It was also intended that such communities of interest should only participate on the basis of informed consent from duly authorised and senior members of the community, with right of termination of participation, right to knowledge of findings and right to review manuscripts and authorise publication and distribution of results. The intention was to ensure that such issues properly were contemplated by researchers in developing their proposals, were covered as part of the ethical review process, and to ensure that any affected communities had the opportunity to evaluate, consent, and control such research and its dissemination. In other words, there was intended to be a degree of ownership and control by participant communities in such cases. Where any such sensitive, controversial, or cultural safety issues arose, it was intended that the University of Waikato Human Research Ethics Committee should be consulted by the Departmental or School Committee (as per Clause 4 of the Terms of Reference) in the event of any doubt being raised as to whether a proposal met the requirements of Clauses 1 and 2 of the Terms of Reference. This intention clearly is reflected in Clause 3 of the Memorandum to Dr Riach (cc Dean of Humanities, Prof. Oettli) from Dr Gunn, Convenor of the UWHREC 10 October 1994, relating to ethical approval of research involving human subjects.

Further, any ethical review committee which evaluates a proposal has to be competent to do so or it itself is in breach of sound ethical practice, by virtue of its lack of competence, knowledge, and understanding of the ethical issues. In the event that it does not have sufficient expertise in all of the critical aspects of the proposed research it has a responsibility to submit any proposal outside of its competence to the scrutiny of persons or groups who do possess relevant knowledge and who have authority to speak on behalf of those communities of knowledge or interest. Ways of achieving this are either to invite persons with the necessary competence to join the Committee for the purpose of reviewing the proposal, or to refer it to the University of Waikato Human Research Ethics Committee (UWHREC), as per Clause 4 of the Terms of Reference, for its advice. Dr Gunn's 10 October 1994 Memorandum requires such proposals to be referred to the UWHREC.

When an applicant's publicly expressed personal views are likely to conflict with the intended participants' cultural, religious or political beliefs and/or likely to be expressed through the research process and in the findings by virtue of the topic and focus of the research, then there is a significant risk of harm and particular caution has necessarily to be exercised by those undertaking an ethical review. This includes risks of both offending research participants and causing stress or harm through methods of inquiry, as well as bringing human research and the University into disrepute. Serious ethical issues clearly are involved in such instances, hence the need for the University, at the highest level, to be assured that every care has been taken to safeguard the rights and interests of all research participants and to eliminate or minimise any possibility of harm to them or the research community. No responsible University would allow the situation to be

otherwise. Any failure on the part of any individual or committee to follow clearly specified procedures for ethical review can only be seen to jeopardise the interests and reputation of the University, to place at risk the whole enterprise of academic research, and to harm the communities likely to be affected by unethical research. Such actions can only bring research into disrepute and are surely deserving of strong censure and a demand for the development of procedures to prevent recurrence. This includes, in cases where an intending researcher's publicly stated political, religious, or moral views, the necessity for the Human Research Ethics Committee carefully to consider the likelihood of harm or stress resulting from discovery of the person's beliefs and/or prejudices. Additionally, the Committee would have to weigh the likelihood of the impact of such beliefs and/or prejudices on the researcher's methodology, data analysis and interpretation of findings. To fail to give such consideration would, in my opinion, raise the question of the adequacy of the ethical review and the adequacy of the required safeguarding of the interests of research participants by the ethics committee charged with reviewing the proposal.

Any ethical review being undertaken in respect of research involving a participant sample including persons from cultural and/or religious groups different from that of the researcher has necessarily to include consultation with that community. In the event that the researcher also holds publicly stated opinions that potentially could expose participants to potential risk, it is self-evident that such consultation is essential. This is because the ethical review committee is not itself in a position adequately to determine the extent of risk of harm in such an instance because such risk can only fully and meaningfully be evaluated by the potential victims of harm. Only the community itself fully can know and identify the potentially harmful elements and advise the ethics committee on their likely effect. Any subsequent decision by an ethics committee would then be determined in close consultation with, and with the support of, the community of interest. The ethics review process has a duty of care to participants to ensure that researchers and research methods eliminate, or at least minimise, any risk of harm.

### 3. Responsibility to investigate complaints:

Clause 6 of the Terms of Reference of the University of Waikato Human Research Ethics Committee clearly states that the Committee is charged with arbitration of disputes, initiation of investigation of complaints, and to submit reports on its findings and actions to the Vice-Chancellor, the Academic Board, and the department or centre concerned. There is no choice of person or body to which reports are directed, all three have to be informed. The rationale for this was to preclude any allegation of a cover-up or of inadequate circulation of the reports of outcomes of investigation of complaints or arbitration of disputes, and to ensure all key personnel were fully acquainted with the findings.

Clearly, as noted in 2 above, if a complaint raises questions of the propriety of a proposal or of the involvement of a researcher whose stated personal, political, religious, or cultural beliefs are likely to cause harm or stress to intended research participants, the University Human Research Ethics Committee is bound to deliberate and to report its findings as specified in Clause 6. This is because there are ethical issues to be

considered, even if the focus of the concern is upon the individual researcher and not solely on the proposed research itself. In the field of human research the researcher's motives and beliefs are a variable impacting upon research, the way it is designed and conducted, and on what he or she interprets and presents as the findings. Even in the field of pure science, the researcher cannot be eliminated as a variable, but the evident impact is very much greater in the investigation of humans. Failure of an ethical review of a proposal effectively to address these issues, or failure to accord them the importance they deserve, particularly once drawn to their attention, would have to be considered a dereliction of ethical responsibility. This would be particularly so if it could be shown that such failure could have led to harm and/or stress in the intended participants.

As noted in 2 above, an ethics committee has a duty of care to protect the rights and interests of intended participants. If the community of the intended participants raises ethical concerns about the proposed research or the researcher's competence safely to conduct the proposed study, the University of Waikato Human Research Ethics Committee has a responsibility fully to investigate this in concert with that community of interest. No ethics committee can on its own establish the degree of risk because it is not qualified to do so by virtue of its not being adequately informed or in a position to define, evaluate, or determine the impact on members of other cultural or religious groups. Again, in this circumstance, an ethics committee would be bound to work jointly with representatives of the community to determine whether the research should proceed and, if so, under what conditions, and to share the decision-making process with that community of interest.

I hope that these comments are helpful to you in your review.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Barry S. Parsonson'.

Barry S Parsonson MA DipClinPsych PhD FNZPsS MICP

cc Professor Dov Bing