Right to reply

Power and ethics in humanities research: A response to Stolp

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In the spirit of open engagement we respond to the article published in the last issue of Acta Academia by Mareli Stolp entitled "Report to the Academy: Power and ethics in humanities research". This article raises many important issues but also requires, in our opinion, the presentation of an alternative perspective or narrative of the events chronicled. In responding to Stolp's discussion of this incident, four aspects will be discussed: (1) the conceptual delineation of the scope of research misconduct, research integrity and research ethics, (2) Research ethics and integrity at Stellenbosch University and the allegation that it used as a managerial tool to supress academic freedom (3) the investigation process itself, and finally (4) the question of innocence or guilt. In conclusion we believe that a limited knowledge and understanding of research ethics particularly as it applies to autoethnography, a context of intra-departmental conflict and a specific historical context led to the conflation of numerous issues and to this series of events.

1. Introduction

The article "Report to the Academy: Power and ethics in humanities research" published in 2016 by Acta Academia, (Stolp 2016) raises important questions about managerialism and ethics in universities, questions which should be debated and considered carefully. These issues are complex and multi-layered as the author,

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Mareli Stolp notes, and it is important to raise and discuss them. It is in this spirit of open engagement that we respond to the article.

In her article, Stolp (2016) argues that in the case of her PhD study at Stellenbosch University, "managerial power mechanisms co-opted ethics into processes of censure and censorship". (p.1) However, the authors of this response point out that Stolp's article contains a number of inaccuracies that require correction, and perspectives that require a response. The now drawn-out case, which remains unresolved from the perspectives of some involved parties, arose from a complex context of politics, long-standing poor collegial relationships, and the shadow of Stellenbosch University's apartheid past. In this case-report Mareli Stolp reflects on the process of her PhD in the Department of Music at Stellenbosch University, which she completed in 2012. Her own account of this process was that it was difficult and she encountered a great deal of resistance and even antagonism. Examiners of the dissertation, she notes, described her decision to undertake this research as 'brave'. The research was innovative and boundary breaking, and part of important new methodological developments in the academy.

Her practice-based research resulted in a doctoral dissertation that included much "subjective and often autobiographical information" and that had a significant narrative component (Stolp 2016:12). Her research was partly autoethnographic; she was embedded in the narrative that formed this dissertation. Certain parts of this narrative included critical descriptions of persons who were in-effect participants in the research process and who were easily identifiable, either because they were named or because they were identifiable due to their specific occupational roles. It was this particular aspect of the dissertation that was identified by the complainant as problematic and it was this that became the focus of the ensuing investigation. From the perspective of those tasked with trying to resolve the complaint, this matter was about research ethics within the complex context of narrative research. When research involves other living humans in some capacity as material sources, certain principles, primarily the principle of 'respect for persons,' need to be observed as involved persons serve as a means to a research end. Guillemin & Gillam explain this fairly bluntly by stating that research involving human participants starts from a point of ethical tension as it invariably involves "a violation of the Kantian maxim that people should never be used merely as a means to someone else's end" (Guillemin, Gillam 2004:271). These authors continue to explore the important notion of reflexivity in qualitative research and how it can contribute to ensuring that research is ethical. Reflexivity is described by McGraw et al as "a process whereby researchers place themselves and their practices under scrutiny, acknowledging the ethical dilemmas that permeate the research process and impinge on the creation of knowledge" (McGraw, Zvonkovic & Walker 2000:68).

The authors aver that academic freedom need not be sacrificed on the altar of research ethics, or that a dissertation that aims to provide rigorous critique of an institution and its members cannot be presented in such a way that the principles of research ethics are nonetheless upheld. However it does require that the researcher reflects deeply on the ethical dimension of her narrative and her position in this narrative. CEELBAS a collaboration between several UK universities, supporting doctoral and post- doctoral research in Eastern Europe, explores the issue of power and ethics in qualitative and ethnographic research on its website and comments:

> Thus, for a researcher it is not possible to claim a neutral research identity during fieldwork and it is vital to critically examine a researcher's subjectivities. In addition, an important issue for the complex relationships between the researcher and his or her 'field' is ethical responsibility which is integral to any research project…. The politics of research [are] revealed by the choice of one's research topic, the methods utilised and the social context in which the research takes place (CEELBAS 2016).

In responding to Stolp's article, four aspects will be discussed: (1) the conceptual delineation of the scope of research misconduct, research integrity and research ethics, (2) Research ethics and integrity at Stellenbosch University and the allegation that it used as a managerial tool to supress academic freedom (3) the investigation process itself, and finally (4) the question of innocence or guilt.

2. Research Ethics, Research Integrity and Research Misconduct: Concept clarification

Stolp's article demonstrates considerable confusion around the above concepts including scope of field and conventional use of terms. The Singapore Statement on Research Integrity is an international statement that resulted from the 2nd World Conference on Research Integrity and was first published in 2010 (Second World Conference on Research Integrity 2010). The initial group of signatories represented more than 50 countries. However, subsequently the statement has been broadly accepted globally. Stellenbosch University incorporated it into its revised 2013 **Policy for the Promotion of Responsible Research** (Senate Research Ethics Committee 2013). It is a broad statement of four principles and 14 responsibilities that cover all aspects of research. Of particular note are the four principles: **Honesty** in all aspects of research, **Accountability** in the conduct of research, **Professional courtesy and fairness** in working with others', **Good stewardship** of research on behalf of others. The document does also refer to both

'research misconduct', (using the narrow definition used by the USA Office for Research Integrity (ORI) and incorporated into US regulations as data fabrication, falsification and plagiarism), as well as 'irresponsible research practices' (Office of Research Integrity, Department of Health and Human services, USA 2015, Second World Conference on Research Integrity 2010). The twelfth responsibility specifically refers to "Responding to Irresponsible Research Practices" and states the following:

> Research institutions, as well as journals, professional organizations and agencies that have commitments to research, should have procedures for responding to allegations of misconduct and other irresponsible research practices and for protecting those who report such behaviour in good faith. When misconduct or other irresponsible research practice is confirmed, appropriate actions should be taken promptly, including correcting the research record. (Second World Conference on Research Integrity 2010).

Research institutions world-wide recognise that the ORI definition, while useful to this agency in fulfilling its mission to ensure the integrity and validity of research funded by the US government, is narrow, but that there are many other instances of wrongdoing within the context of the development, implementation and reporting of research that do occur and do undermine the integrity of research. The use of the term "other irresponsible research practices" in the Singapore statement reflects this stance. Particular note should be made of the fact that the ORI, while using this narrow definition for its own investigative purposes is active in promoting a far wider agenda when providing resources for the promotion of capacity development in the field of Responsible Conduct of Research or RCR, as it is now widely known. Available resources for RCR capacity development on the ORI website are wide ranging and include such topics as mentorship, peer review, data management, collaborative science, conflict of interest and conflict of commitment and human subject research protections among others. (Office for Research Integrity, Department of Health and Human Services (HHS), USA).

The ethical aspects of research involving humans and animals is often referred to as research ethics and the bodies that review and regulate this research as research ethics committees (Kruger, Ndebele & Horn 2014). Research ethics thus falls under, or is a subset of the broader field of research integrity. Nicholas Steneck, co-chair of the forthcoming 5th World Conference on Research Integrity and a world leader in the field of education in research integrity, has developed fully integrated training courses in research integrity appropriate to various domains, including the Biomedical sciences, Engineering, Social Sciences, Arts and Humanities (Steneck 2003, Steneck). Each course includes modules on

the ethics of animal or human research as applicable. This integrated approach is increasingly regarded as essential in ensuring the integrity and validity of all forms of research including those that involve human and animals. Hence Stolp's assertion that SU had conflated "two separate issues, research misconduct and research ethics" (p.15) seems to be based on a conceptual distinction not shared by many who work in the field of research ethics and integrity.

3. Research Ethics and Integrity at Stellenbosch University (SU)

At the time that Stolp was actively engaging in her doctoral studies, Stellenbosch University (SU) had two approved documents in place relating to research ethics and integrity and to the investigation of allegations of research misconduct (this term has been removed from the revised version of this document), namely the **Framework policy for the assurance and promotion of ethically accountable research at Stellenbosch University** (approved in 2009; replaced in 2013 (Senate Research Ethics Committee 2013)) and the **Procedure for the Investigation of Research Misconduct at Stellenbosch University** (replaced in 2014) (Division for Research Development, Stellenbosch University 2014). The Framework Policy specifically named both Respect and Academic Freedom as core principles and stated the following "The concept of respect should permeate all aspects of research. Researchers should respect themselves, their colleagues, the scientific and academic community, their animal and human research subjects, the environment and the public at large".

The SU 2011 procedural document used to investigate problems related to research studies did indeed refer to 'Research Misconduct'. However in contrast to Stolp's assertions (pp. 13-14) this document clearly defined research misconduct broadly and did not confine itself to the narrow definition of 'Falsification, Fabrication or Plagiarism'. Rather the document states:

> Misconduct in research includes acts of omission as well as acts of commission. Research misconduct includes but is not limited to:
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> i. Fabrication ...
>
> ii. Falsification....
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> iii. Plagiarism....
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> iv. Misrepresentation of data.
>
> v. Failures to follow accepted research procedures or to exercise due care in carrying out research (negligence).

vi. Breach of responsibilities for avoiding unreasonable risk or harm to:

a. humans;

b. animals used in research and teaching; and

c. The natural and cultural environment.

vii. Breach of principles for the proper handling of privileged or private information of individuals collected during research.

viii. Improper management of research funds and/or other resources.

ix. Improper allocation of authorship or the lack of allocation of deserved authorship

x. Failure to comply with national statutory, professional or legal requirements

Hence the document clearly and intentionally places breach of research ethics principles as a subset of activities or incidents that could fall under an allegation of research misconduct, and in this instance it did. There was never any question about whether or not Stolp was being accused of data fabrication, falsification or plagiarism. The answer to this is absolutely not; this idea or allegation was not ever on the table. However the complaint received revolved around a breach of the broad principle of 'respect for persons' and more particularly vi.(a) and vii. as referred to above. Of note, after this particular incident, the 2011 procedural document was extensively revised and is now called **Stellenbosch University's Procedure for the investigation of allegations of breach of research ethics norms and standards** (Division for Research Development, Stellenbosch University 2014).

It is also important to note that Stolp's research proposal did not go through any formal process of ethics review or approval, despite the fact that the SU Policy in place at the time stated the following:

> International guidelines for the need for ethics approval of non-health related research e.g. social science research involving human participants are less clear. However research involving direct interaction with human subjects or the capturing of any personal information should be approved by an ethics committee. [...]
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> Research involving human participants must comply with the following principles:
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> [...] ensure research participants are well informed on the purpose of the research and how the research results will

> be disseminated and have consented to participate, where applicable; ensure research participants' rights to privacy and confidentiality are protected; ensure the fair selection of research participants be preceded by a thorough risk benefit analysis

This lack of formal ethics approval was not part of the complaint or investigation, as it was deliberately decided to view this as a development opportunity for both student and supervisor. It is important to note that all current and future studies involving human participants from this environment have been and are now required to undergo ethical review. Stolp's dissertation also did not include a section on ethical considerations related to her chosen research methodology and it does seem that she did not consider the persons that she named and reported on in her dissertation to be research participants. This is perhaps the issue at the heart of this incident: the complainant and those involved in investigating the complaint did and still do regard many of the persons mentioned in Stolp's dissertation as research participants and thus deserving protection by research ethics principles implemented by a responsible and accountable researcher. It is important that all researchers (including Stolp) consider their own role and agency in relation to all those they represent in their work. As Tisdale puts it "we must negotiate ethics; we must ask difficult questions of ourselves and our work (Tisdale 2004).

Stellenbosch University does undoubtedly use research ethics processes as a tool to attempt to ensure that the research produced by our university adheres to accepted international principles of research ethics. This is required by most international publishers and funding bodies. We do however also try to ensure that, wherever possible, the widest range of research is approved for implementation. The overarching purpose of a REC is to safeguard the interests of those involved in the research process as participants. Current policy requires that all projects that involve interaction with humans and where the recording of that interaction contributes in some way to the research data or content, as requiring formal ethical review (Senate Research Ethics Committee 2013). In the broad humanities (i.e. all projects not considered biomedical) projects are reviewed according to a guided ethical risk assessment that the student and supervisor undertake together. Low ethical risk projects are reviewed at department level by Departmental Ethics Screening Committees (DESCs) and medium or high ethical risk projects are referred to the central REC. The REC: Humanities specifically uses eight widely accepted benchmarks to review research: Social value and relevance, Scientific validity, Stakeholder engagement, Fair recruitment of research participants, Informed consent, On-going respect for participants (including the protection of privacy and confidentiality), an acceptable Risk-benefit assessment and Researcher competence (National Health Research

Ethics Council, South Africa 2015, Wassenaar, Mamotte 2012). We believe that the implementation of the above ethical benchmarks across all research projects can only improve the robustness of the research and do not hamper academic freedom in any way that could be considered unreasonable. We do not agree, as Stolp has argued and with those that have contended in the past, that social science researchers should not need to submit their projects for formal REC review and such processes represent the biomedicalisation of the social science space. Contrary to this view, we have embraced the perspective of authors such as Wassenaar, Marmotte, Slack, Guillemin and Gillam who have argued rigorously and in our view successfully, for the value of REC review in the social sciences. (Wassenaar, Mamotte 2012, Mamotte, Wassenaar 2009, Wassenaar, Slack 2016, Guillemin, Gillam 2004)

Since January 2012 the REC Humanities has reviewed almost 600 applications. About half of these were approved directly, or with minor stipulations. Only just over 30 projects were deferred, meaning that the project required major revision or did not contain sufficient information for ethical aspects to be adequately reviewed. A good number of these projects were regarded as ethically high risk because they involved controversial and sensitive topics or vulnerable populations. In almost all instances this research was subsequently approved, even if certain revisions were made to improve research participant protection. No projects have been rejected out-right. Recently a good number of research projects have been approved that seek to explore various controversial issues at SU including Feesmustfall#, the language issue, transformation, hostel and campus culture. Many if not most of these projects seek specifically to explore the perspective of students coming from previously disadvantaged and previously excluded backgrounds.

4. The investigation process

The complainant in this particular instance was the Chair of the Department of Music at Stellenbosch University. Of particular note is that the complaint came from an environment where certain collegial relationships have broken down. The final report of the three person Investigation Committee (IC), made up of faculty-based academics (in this instance three senior professors) reflected this fact. Those tasked with receiving and investigating this complaint were initially completely unaware of this context. The complaint had two components, the first being concerns regarding ethical aspects *vis-a-vis* the protection of the identity of research participants in a dissertation which will be discussed in more detail later. The second complaint concerned potential copyright infringement, as it was reported that recordings related to the dissertation had been uploaded with the

dissertation and were now available in the public domain without the necessary permissions in place. It was primarily this latter allegation that lead to the decision to place an urgent temporary embargo on the dissertation while the complaint was investigated. This decision was reasonable from a perspective concerned with reducing immediate institutional risk. The possible infringement of copyright is indeed internationally regarded as a valid case for immediate embargo (UCL Library Services 2014). However, in retrospect, we recognise that placing an embargo on a dissertation without first contacting the author and supervisor and explaining why such an action was urgently warranted was incorrect and led directly to the unfortunate break of trust in the process that followed. This was a mistake on the part of the RIO and SD: R&I for which they take full responsibility.

Conditions under which a dissertation may be embargoed were not included in the 2011 Investigation of Research Misconduct procedural document, to which Stolp refers. This incident led to a revision of this procedural document and the current procedure now states

> Should an allegation involve a thesis that is in the public domain (i.e. on the SU's Sun Scholar database), SU may, at its own discretion, place a temporary embargo on the thesis from the time that a formal investigation is instituted, until such time as the investigation has been finalised, to avoid any damage and/or risk to SU's reputation. **Prior to placing such an embargo on a thesis, the RIO must notify the Respondent and his/her supervisor of the thesis of this intention.** Under exceptional circumstances SU reserves the right to place an embargo on a thesis earlier in this process. For example in cases where either SU or other parties are placed at risk by privacy **or intellectual property issues.** Wherever possible all concerned will be notified as soon as reasonably possible. (Division for Research Development, Stellenbosch University 2014)

In this particular case, the placing of the temporary embargo on the dissertation without immediate communication to the respondents (Stolp and her supervisor) raised suspicion in their minds about the neutrality of the investigation. Several examples at this institution however exist where temporary embargos were placed on material in the public domain during such investigations, in order to address any potential risks (to the institution and individual respondents), without resulting in suspicion or the breaking down of trust. It could therefore be speculated that Stolp's suspicion and lack of trust arose to a large degree due to the history of conflict associated with her PhD studies. Communication from this point onwards became antagonistic and acrimonious, with the space for fruitful dialogue being compromised. A decision was made to appoint an

independent investigation committee (IC), comprising three senior academics in the social sciences. This was viewed by those managing the case as the fairest and most effective way of addressing the allegation. The decision to appoint such a committee was apparently interpreted by the respondents as a presumption of guilt, which it was not, as clearly stipulated in SU's procedure. The RIO and others involved in managing cases of this nature are obliged to play entirely neutral roles with respect to complainant and respondent, which was indeed the case here. Research ethics, and in particular the stipulations of the SU Policy and the internationally recognised Singapore Statement on Research Integrity formed the only basis of this investigation. No one is presumed guilty at the start of such an investigation, and some examples indeed exist at this institution where similar investigations have completely exonerated the individuals involved. It could therefore again be speculated that the complex and contested history of Stolp's PhD study as a whole was the fundamental cause of this presumption, and not the specific actions taken by those managing the complaint. As mentioned previously, the procedural document in question has however been extensively revised to ensure clarity in the sequence of events in any future investigations, as it cannot be assumed that these interactions would be based on trust or reasonable reactions. These revisions were done primarily to remove any potential for differences in the interpretation of the sequence in which events should occur after receiving research integrity related complaints.

One final point that needs to be made is that after the IC had been appointed, but prior to it initiating its investigation, and because of the level of discontent expressed with the process by the respondents, the possibility of halting the investigation and winding it right back to the beginning was discussed by those involved in the case. However the DVC: Research invited Stolp to Stellenbosch; discussed the matter directly with her, and it was then decided that the IC process will continue with the IC interviewing Stolp. This fact is reflected in the IC's final report, dated 28th August 2013.

> It is the view of the committee that there were indeed deviations from university policy in terms of this matter, and it notes further that it was not party to the discussions between the Vice-Rector and Dr Stolp. We believe that though mistakes were made materially, that none were made in bad faith and that none was of a nature to impede the independent workings of the committee, and we were thus satisfied that with the cooperation of the main parties concerned we could continue with our work.

It is perhaps important to point out again that the above-mentioned deviation refers to the SU procedure (not policy), and specifically to the sequential following of steps in the procedural document that has since been revised and improved in this respect.

5. Innocent or guilty? And of what?

Stolp states categorically in her article that "it was determined that I was not guilty of either research misconduct or a breach of ethical principles" (Stolp 2016:3). This statement, is in the opinion of the authors of this response, somewhat misleading. What is true is that Stolp was not found guilty of research misconduct in the narrow sense (fabrication, falsification or plagiarism). However the IC did find that she had breached certain ethical norms and principles. The following statements are taken directly from the IC report and reflect the opinions of the three senior experienced researchers and academics, all from the broader humanities and social sciences environment (psychology, education, social work) who were tasked with investigating this matter

> In conversation with Dr Stolp, the committee was able to see how her perception of the way she was treated as a student by some members of the department, a perception largely shared by [her supervisor] but not shared by [the complainant] helped facilitate a view of herself as a student as relatively powerless within an hierarchical power system. This perception, which was clearly acutely felt by Dr Stolp, provides some of the context for the manner in which she conducted herself during the process of data collection and for the tone in which she chose to write up her thesis.
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> From the committee's conversation with Dr Stolp, and from the way in which the thesis itself was written, the committee came to the view that Dr Stolp appears to have conflated two issues. There is a difference between taking subjectivity seriously and giving it due weight, and of selectively privileging the subjective experiences of the author. Though it is correct to say that a subjective interpretation of events is important to understand and to respect and embrace, this is not the same as implying that the views of the author (in this case Dr Stolp) should not be subject to the same skeptical scrutiny as those of others. Dr Stolp does address this issue distally in her early chapters, but there are occasions when she discusses her findings that she does not seem to entertain as seriously as she could the possibility that her interpretation is but one of many ways of understanding what has occurred. This is a difficult issue, as it is her right methodologically and intellectually to use her own subjectivity as data, but the problem here is the privileging of this subjectivity. It was clear from our discussions with her that Dr Stolp felt to some degree victimised by the Department of Music, and this was indeed part of her experience. What she seems to

> have taken less cognisance of, in her writing of the thesis, was her own power and agency (admittedly within the context of asymmetrical power relationships in which she was structurally in a less powerful position) [...]
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> In research of this nature, it is not uncommon for people about whom the author is writing to be given sight of what the author intends to write, and to reply. The author does not have to agree with the opinions of others about her interpretations, but does have a responsibility to reflect the fact that her own views, like the views of all others, are necessarily partial, and to give due weight to the possibility that she herself may have made errors of interpretation.

The reflections in the above extract are echoed by authors writing and teaching in the field of narrative research (Johnson-Bailey 2004, Lapan 2003). The IC thus concluded that there were people identified or identifiable in the dissertation that were not fully aware of the role they had played in this research or of what was going to be said about them in this dissertation. The IC recommended that the dissertation be made available only via request to other scholars in this field. However the final management decision taken was that the dissertation could be made available on the Sun Scholar repository provided that names of those in the thesis be removed or blacked out and that the Chair of the Department of Music would have an opportunity to write a rebuttal; this rebuttal would be uploaded with the dissertation. In addition to this, the issue of copyright infringement and the attachment of a copyrighted recording to the thesis that was initially available in the open domain was indeed the third matter that was addressed in the university's requirements. Contrary to Stolp's statement in the article (see footnote 18 on page 10), the removal of these recordings from the public domain, or the instruction to obtain the necessary approval from copyright owners, was the third issue that the university management required in their letter to Stolp and her supervisor. The statement in footnote 18 on page 10 is therefore a misrepresentation of the facts.

As is clear in Stolp's article, the actions taken with respect to this dissertation, after the investigation was concluded, were regarded as 'censure and censorship'. We do not agree with this perspective and as stated previously, believe that both the principles of academic freedom, and research ethics could have been fulfilled simultaneously in this dissertation. This dissertation could have leveled a powerful critique at both Stellenbosch University and the Department of Music, including commentary on the apartheid legacy of the Music Department and issues related to transformation, without making this critique personal to the point where individuals were either directly or easily identifiable.

6. Conclusion

This has been a most unfortunate incident for all those involved including Stolp. We believe that a limited knowledge and understanding of research ethics, a context of intra-departmental conflict and a particular historical context led to the conflation of numerous issues and to this series of events. The fact that the researcher, supported by her supervisor, cast herself as the underdog in this research process, led we believe to an inadequate appraisal of her own agency and ethical responsibility. While she may well have indeed justifiably owned some level of victim status during this process, this does not mean ethical accountability in the research process was no longer required.

> As mentioned in the Post Script to the article by Stolp, respondents in this case, including the internal examiner, persisted in their view that the university had censored this dissertation because it did not like the political critique regarding transformation, and eventually submitted a complaint to the university ombudsman who, we understand, recommended the lifting of all embargoes on the dissertation. We have not been given access to the ombudsman's report, so we are unable to comment on the reasoning of the ombudsman in this matter.

We agree with Stolp that the issues are important to understand and debate, and it is in this spirit that we have written this response. Conducting auto-ethnographical research is a growing trend in the human and social sciences. Research of this kind should be welcomed. But as Wall (2008:49), reflecting on her own autoethnography, cogently reminds us: "[T]here is a need to be concerned about the ethics of representing those who are unable to represent themselves in writing or to offer meaningful consent to their representation by someone else."

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