

Ethical and Legal Considerations in Conducting Research

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Educational research often involves people as participants in experiments, respondents to surveys, or the focus of observations. Even use of school records involves people. Because human participants are involved, ethical and legal considerations are of concern. Researchers need to access first to the research site and then to the individual participant. Whenever research is conducted in an educational setting, it is necessary to obtain permission from the site's "gatekeeper", who may be the principal, educational authority, a committee that is charged with this responsibility. It is important to know and follow the approval policies of the agency. Research is a systematic investigation, including research development, testing, and evaluation, designated to contribute to generalizable knowledge. The researcher is obligated to protect participant from risk such as physical, social, or psychological harms. Magolda and Weems (2002) argue that harm is an inevitable outcome of much qualitative research. They say the inquiry process in ethnographic research increases the probability of harm because of the intrusive inquiry into the feelings and perceptions of participant. The present paper tries to explore some ethical and legal issues on the way of conducting research and their remedial measures.

Keywords: research, ethical issues, legal considerations

Introduction

Education is considered as a vital tool for social as well as national development. It has significant role in evaluating the human development of a country. When we are assessing the development of a person, society, community or a nation, the educational attributes, such as educational qualifications, number of educated person in the society or community, number of educational institution in the state or country with respects to its population, rate of enrolment, retention, quality of education provided, equity and equality for educational opportunity, and so forth, are considered as the prime criteria for consideration. Hence, every nation in the world has been giving emphasis to the development educational sector of their country. Many innovative programmes and projects are preparing by the policy makers as well as the academic bodies across the world to improve their educational quantity as well as the quality. Educational researches are the main input as well as the output to bring such change in the educational sector. Research is an in depth inquiry in to a problem which needs an amicable solution. Every invention in the world happens as a result of a scientific enquiry. Research is a systematic, scientific, objective activity, which includes the collection relevant information, and careful analysis of data, recording and reporting of valid conclusion, which may lead to creation of new knowledge, development of theory, principles, and generalization. The developed theory, knowledge, principles, or generalization may help the researcher or concerned authority to predict occurrences of certain possible events and thereby make possible to ultimate control of unwanted events.

Research ethics provides guidelines for the responsible conduct of research. In addition, it educates and monitors researchers to conduct research to ensure a high ethical standard. It involves all the ethical issues concerning the scientific research from choosing the research object to social consequences of research. Research ethics deals with all forms of unethical action in research including the design, conducting, and reporting of research, involving human experimentation, scientific misconduct such as fraud, fabrication of data, plagiarism, and violation of regulation of research.

Ethical Principles of Research

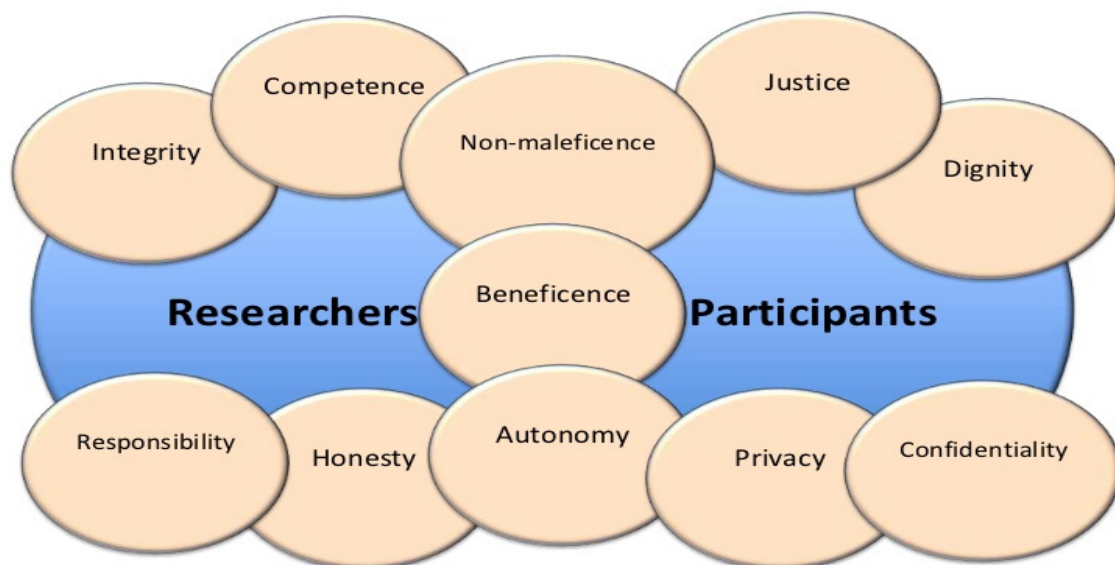


Figure 1. Ethical Principles of Conducting Research

Why Ethical and Legal Considerations?

Educational research often involves people as participants in experiments, respondents to surveys, or the focus of observations. Even use of school records involves people. Because human participants are involved, ethical and legal considerations are of concern. Researchers need to access first to the research site and then to the individual participant. The aim of research ethics is to encourage integrity in the conduct of educational research and practices among teachers, scholars, and professionals.

Ethics is the standard of behavior to be adopted while interacting to other people during research in a way that:

- people must be respected and seen not as sources of data but as people whose rights and welfare must be protected;
- physical risk and psychological harm must be minimized;
- risk and benefits from studies should be distributed fairly and evenly in populations.

Ethics approval for research with human participants is needed for the following reasons:

- To protect the rights and welfare of participants and minimize the risk of physical and mental discomfort, harm and/or danger from research procedures.

- To protect the rights of the researcher to carry out any legitimate investigation as well as the reputation of the University for Research conducted and/or sponsored by it.
- To minimize the likelihood of claims of negligence against individual researchers, the university, and any collaborating persons or organizations.

Ethical principles of research in the humanities and social and behavioural sciences are divided into three areas:

Respecting the Autonomy of Research Subjects Includes

Voluntary participation. Participation in research should be voluntary and based on informed consent. An exception from the principle of voluntary consent can be made when research is conducted on published and public information and archived materials. Research subjects can give consent orally or in writing, or their behaviour can otherwise be interpreted to mean that they have given consent to participate. For example, assenting to a polite request for an interview or responding to a questionnaire or request for a written response indicates that the subject has consented to be studied. Subjects have the right to withdraw from a study at any stage, but this does not mean, however, that their prior input cannot be used in the study.

Autonomy and age limits. Many studies that are conducted in schools and institutions of early childhood education and care can be carried out as part of the normal work of the institution or school. It is not necessary to request a guardian's permission if the principal of an institution of early childhood education and care or the head teacher of a school has evaluated that the study would produce useful information for the institution or school and can be carried out as part of the normal activities of the institution or school.

Information for subjects. The information that must be provided to research subjects depends on the nature of data collection methods. In studies based on observation, interviews, or questionnaires, subjects must be told what the study is about and what participating in the study means in concrete terms, and how long it will take. Information regarding a study should include at least the following:

- researcher's contact information;
- research topic;
- method of collecting data and the estimated time required;
- purpose for which data will be collected, how it will be archived for secondary use;
- voluntary nature of participation.

Avoiding Harm

An important task of historical and social research is to produce information on the improper functioning of social institutions and problems regarding the use of power. Possible harm resulting from research can stem from the collection of data, the storage of data and consequences following the publication of studies.

Avoiding mental harm. Avoiding mental harm includes treating subjects with respect and reporting findings in a respectful way in research publications. How sensitive a subject matter is and what the limits of privacy are depend primarily on the research subjects themselves. If the subjects know what matters will be dealt with on the basis of the information that is supplied to them, by giving consent they have demonstrated their willingness to participate in the study while being aware of the study's scope and methods. If subjects participate in a study by writing about their experiences or answering a questionnaire, they regulate their own participation by avoiding matters and questions that they consider damaging or harmful. People experience things in different ways. The same research questions or topics can arouse different reactions in different

people. Research situations can and may include the same kind of mental strain and feelings (disappointment, joy, sadness, hate, shame, frustration) as in everyday life in dealing with different aspects of human life.

Avoiding financial and social harm. Financial and social harm to subjects is more likely if a study does not observe the ethical principles concerning privacy and data protection. Research publications can have harmful consequences for subjects. The risk of harm is greatest if results are presented judgmentally, in a prejudiced way or disrespectfully. Harm can also be caused by publishing results giving a negative picture that are not based on comprehensive data or the systematic analysis of data. Particularly research concerning the use of power and the functioning of social institutions must not be restricted on the grounds that results can have negative effects for subjects. The best way to ensure freedom of research is to conduct research carefully and systematically and to publish results with proper arguments and shed light on different perspectives in a balanced manner. Researchers and editors are responsible for compliance with ethical principles in research publications.

Privacy and Data Protection

Research ethics principles concerning the protection of privacy fall into three categories: (1) protecting research data and confidentiality, (2) storing or disposing of research data, and (3) research publications. The goal is to find a balance between confidentiality and the openness of science and research. Data with identifiers can be collected and used when this is appropriate from the viewpoint of that particular research. With the consent of the subject data can also be stored for secondary research with identifiers. Research in the humanities and social and behavioural sciences may require the processing and storage of identifiers. This may be based on the need to analyze data, and later contacts with subjects or the historical and cultural significance of data. All contemporary data may also have historical and cultural significance.

Protecting research data and confidentiality. The protection of data with identifiers must be carefully planned. The protection of subjects' privacy may not be jeopardized by the careless storage of data or unprotected electronic data transfers. Data security solutions for data with identifiers include decisions regarding where paper materials containing identifiers will be stored, at what stage unnecessary data will be destroyed, or how their storage and archiving will be arranged for secondary research. Decisions must also be made regarding how electronic data containing identifiers will be protected (back-up copies, user names, processing if necessary on computers not linked to a network), and to what extent identifiers will be deleted or stored in connection with the data to be analyzed.

Storing or destroying research data. Research in the humanities and social and behavioural sciences is not always repeatable, but the scientific community should have the possibility, if necessary, to verify research findings from the data analyzed in a study. Openness is a key characteristic of science and also a precondition for testing the validity of scientific information, critically evaluating information and advancing science. Data that are carefully archived for secondary research reduce the need to collect research data containing identifiers. Archiving also reduces the research pressure on small population groups. It is particularly important to archive for secondary research data that have cultural, historical, and/or scientific value.

Protecting privacy in research publications. Unlike research data, research publications are in the public domain. The need to protect privacy in publications must be evaluated on a case-by-case basis. For most studies, there is no need to present subjects in an identifiable way in published findings. The results of quantitative research are reported statistically, which means that there is no risk of identification even when the publication

is based on data containing identifiers. In the case of qualitative data, the risk of identification must always be evaluated before any samples/quotations from the data are published: what indirect identifiers (workplace, school, place of residence, age, and profession) will be left in the sample as such, what will be masked, and what will be omitted altogether. In research, particularly in the humanities but also in the social sciences, it may be justifiable for research purposes and also ethically to present subjects by name in research publications. For example, a study based on interviews with experts can be published without removing the names of subjects or other identifiers. Agreement about this must be reached with research subjects in Penalties Levels of Plagiarism.

As per UGC regulations (2018), plagiarism would be quantified into following levels in ascending order of severity for the purpose of its definition:

- i. Level 0: Similarities up to 10%—minor similarities, no penalty.
- ii. Level 1: Similarities above 10% to 40%.
- iii. Level 2: Similarities above 40% to 60%.
- iv. Level 3: Similarities above 60%.

Penalties. Penalties in the cases of plagiarism shall be imposed on students pursuing studies at the level of masters and research programs and on researcher, faculty and staff of the HEI only after academic misconduct on the part of the individual has been established without doubt, when all avenues of appeal have been exhausted and individual in question has been provided enough opportunity to defend himself or herself in a fair or transparent manner.

Penalties in case of plagiarism in submission of thesis and dissertations:

Institutional Academic Integrity Panel (IAIP) shall impose penalty considering the severity of the Plagiarism.

- i. Level 0: Similarities up to 10%—minor similarities, no penalty.
- ii. Level 1: Similarities above 10% to 40%—such student shall be asked to submit a revised script within a stipulated time period not exceeding six months.
- iii. Level 2: Similarities above 40% to 60%—such student shall be debarred from submitting a revised script for a period of one year.
- iv. Level 3: Similarities above 60%—such student registration for that programme shall be cancelled.

Note 1: Penalty on repeated plagiarism—such student shall be punished for the plagiarism of one level higher than the previous level committed by him/her. In case where plagiarism of highest level is committed, then the punishment for the same shall be operative.

Note 2: Penalty in case where the degree/credit has already been obtained if plagiarism is proved on a date later than the date of award of degree or credit as the case may be, then his/her degree or credit shall be put in abeyance for a period recommended by the IAIP and approved by the Head of the Institution.

Penalties in case of plagiarism in academic and research publications:

- I. Level 0: Similarities up to 10%—minor similarities, no penalty.
- II. Level 1: Similarities above 10% to 40%.
 - (i) Shall be asked to withdraw manuscript.
- III. Level 2: Similarities above 40% to 60%.
 - (i) Shall be asked to withdraw manuscript.

(ii) Shall be denied a right to one annual increment.

(iii) Shall not be allowed to be a supervisor to any new Master's, M.Phil., Ph.D. student/scholar for a period of two years.

IV. Level 3: Similarities above 60%.

(i) Shall be asked to withdraw manuscript.

(ii) Shall be denied a right to two successive annual increments.

(iii) Shall not be allowed to be a supervisor to any new Master's, M.Phil., Ph.D. student/scholar for a period of three years.

Note 1: Penalty on repeated plagiarism: shall be asked to withdraw manuscript and shall be punished for the plagiarism of one level higher than the lower level committed by him/her. In case where plagiarism of highest level is committed, then the punishment for the same shall be operative. In case Level 3 offence is repeated, then the disciplinary action including suspension/termination as per service rules shall be taken by the HEI.

Note 2: Penalty in case where the benefit or credit has already been obtained if plagiarism is proved on a date later than the date of benefit or credit obtained as the case may be, then his/her benefit or credit shall be put in abeyance for a period recommended IAIP and approved by the Head of the Institution.

Note 3: HEIs shall create a mechanism so as to ensure that each of the paper publication/thesis/dissertation by the student, faculty, researcher, or staff of the HEI is checked for plagiarism at the time of forwarding/submission.

Note 4: If there is any complaint of plagiarism against the Head of an HEI, a suitable action, in line with these regulations, shall be taken by the Controlling Authority of the HEI.

Note 5: If there is any complaint of plagiarism against the Head of Department/Authorities at the institutional level, a suitable action, in line with these regulations, shall be recommended by the IAIP and approved by the Competent Authority.

Note 6: If there is any complaint of plagiarism against any member of DAIP or IAIP, then such member shall excuse himself/herself from the meeting(s) where his/her case is being discussed/investigated.

Bogdan and Biklen (2003, as cited in Wiersma, 2012) state some guidelines for meeting the legal and ethical requirement in conducting educational research. These guidelines were developed for qualitative research, but, they generally apply to all educational research.

- Avoid research sites where information may feel coerced to participate in your research.
- Honor your informants' privacy.
- Treat subjects with respect and seek their co-operation in the research.
- Tell the truth when you write up and report your feelings.
- There is difference in informants time commitment to you when you do participant observation in public places (where people are spending the time they would normally spend there) and when they do an interview with you.
- Unless otherwise agreed to, the subjects' identities should be protected so that the information you collect does not embarrass or in other ways harm them.
- In negotiating permission to do a study, you should make it clear to those with whom you negotiate what the terms of the agreement are, and you should abide by that contact.

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