Mind the gap: Griffith University’s approach to the governance of ethical conduct in human research

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ABSTRACT
It is perhaps not coincidental that, at the same time the apparent institutional risks associated with the conduct of human research are increasing, so are the complaints from researchers about research ethics committees. Rather than seeking to implement systems that more efficiently catch wrong-doing, in 2003 Griffith University began implementing an alternative approach. This new approach focused on resourcing the reflective practice of researchers through every stage of their work – well before, and long after, they seek ethical clearance for that work. Institutions have a key role to play in human research ethics, and this can be usefully situated within the broader framework of the institution’s governance framework. This paper summarises the new approach that Griffith University adopted in 2003, the implementation of this ‘model’, the experience to date, and the road ahead.

Gap? What gap?

The regulation of ethical conduct in human research is by no means new. Concepts such as respect for persons and informed consent owe their origins to writers such as Immanuel Kant. The ethical principles that underpin documents such as the National Statement on Ethical Conduct in Research Involving Humans can be traced all the way back to Ancient Greece and the writings of Hippocrates. Nevertheless, the international evolution of the frameworks for human research ethics has occurred during the decades since the Nuremberg war trial process and the release of the Nuremberg Code. The modern development of these frameworks has largely been in response to serious breaches of ethical standards.

So why, given this long history, should researchers, ethics committees and research administrators continue to struggle with the governance of ethical conduct in human research? Why is it that in the last decade we have seen a worsening tone of disquiet about human research ethics and an undeniable adversarial note to the interactions between committees and researchers?

Even a cursory search of academic and popular sources reveals numerous examples of researchers expressing frustration with the functioning of research ethics frameworks and the behaviour of ethics
committees. In recent years there have also been credible warnings that the existing approach to the ethical review of research may actually be hampering (or at least ‘distorting’) useful research.

In her book about trust in society Misztal discusses the important role trust plays in the degree to which individuals support and acquiesce to regulations and other exercises of public policy. Misztal suggests that the degree to which individuals see any exercise of public power as legitimate is a fundamental factor in determining whether they will comply with that power. One of the strengths of this perspective is that it offers a useful way of understanding the behaviour of professionals in what Lash referred to as post-modern organisations. For example, researchers are relatively autonomous agents, they operate within fluid working arrangements and teams, and they face a dizzying array of challenges that defy any attempt to regulate their practice through the application of directive-rules. It is simply disingenuous to assume that a central prescriptive rule can offer applicable solutions to the diverse ethical challenges that researchers face. Therefore, the degree to which a set of arrangements are likely to inform and guide the behaviour of researchers may depend upon the degree to which the researcher views the arrangements as legitimate – eg offering an authoritative source of information that is applicable and relevant to the ethical challenges and realities the individual faces.

It is important to remember that, in Australia and many other jurisdictions, the responsibility for the conduct of individual researchers, and the ‘power’ to take action in response to inappropriate conduct, largely resides at the institutional level. Consequently, the ethical conduct of researchers is an institutional governance issue, which should be imbedded within the institution’s broader governance framework.

At the same time we are seeing mounting indications of researcher disquiet about the operation of research ethics frameworks, ‘regulators’ seem to be placing an ever increasing focus on the responsibilities of institutions for the ethical conduct of its researchers. It is worthwhile noting that in many jurisdictions, institutions are expected to ensure researchers (including research students) are trained in their ethical obligations. One way in which institutions may be assessed as meeting their obligations will be whether they have systems to ensure compliance with the national standards and whether they actively monitor the conduct of researchers. When an institution is deemed to have failed to meet these responsibilities it can face serious penalties – such as all research funding to the institution being suspended. Internationally there are examples of an entire institution being penalised for the actions of a single research team and / or because of perceived systemic failures within the institution. Even though the cited example is a case from the United States, it should be observed that the NHMRC’s Deed of Agreement for research funding means that very similar action could be taken against an Australian research institution. Annexure A of this Deed specifies that it is an institutional responsibility to